

COUNCIL ASSESSMENT REPORT

Panel Reference	PPS-2019CCI016
DA Number	DA 1262/2019/JP
LGA	The Hills Shire Council
Proposed Development	Concept Development Application for five residential flat buildings comprising 228 apartments, two levels of basement parking and associated landscaping
Street Address	Lot 502 DP 258587, Lot 327 DP 252593, Lot 328 DP 252593, Lot 329 DP 252593, Lot 330 DP 252593, Lot 331 DP 252593, Lot 332 DP 252593, Lot 333 DP 252593, Lot 334 DP 252593, Lot 504 DP 258587, Lot 337 DP 252593, Lot 3361 DP 865725, Lot 3362 DP 865725, Lot 335 DP 252593, 7 - 23 Cadman Crescent and 18 - 24 Hughes Avenue, Castle Hill
Applicant	Castle Hill Panorama Pty Ltd
Owners	Mr K Root, Mrs M P Root, Mr C Gao, Galvlad Property Pty Ltd, Mr B Merhi, Mrs S S Merhi, Mr D A Lincoln, Mrs M A Lincoln, Mrs J Berger, Mr VH Chan, Mrs E H Chan, Mr V P Tangonan, Mrs M M Tangonan, Mr L Tao, Ms L Xu, Mrs A Matic, Ms M Stevenson, Mr C M K Fernando, Mrs M A Fernando, Mr R E Beeldman, Mr S W Kim, Mr G S Maiolo and Mrs J J Maiolo
Consultant/s	Mecone MHN Design Union GMU RICQS Quantity Surveyors InRoads: Group TurfDesign Studio Douglas Partners JHA Earthscape
Date of DA lodgement	20 February 2019
Number of Submissions	Seven from five property owners
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	CIV exceeding \$30 million (\$80,528,682)
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development 2011) • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • The Hills Local Environmental Plan 2012 • Apartment Design Guide • DCP 2012 Part C Section 1 – Parking • DCP 2012 Part C Section 3 – Landscaping • DCP 2012 Part D Section 19 – Showground Precinct

List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Clause 4.6 • Submissions
Report prepared by	Cynthia Dugan Development Assessment Co-ordinator
Report date	20 February 2020

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP **Yes**

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Yes**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **No**
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

EXECUTIVE SUMMARY

The Concept Development Application is for a residential flat building development encompassing five buildings with a total of 228 dwellings, associated car parking and landscaping. This proposal is located within the Showground Station Precinct.

The Concept Development Application is made pursuant to Section 4.22 of the Environmental Planning and Assessment Act 1979. The purpose of the Development Application is to establish the framework to inform the site for future detailed built form proposals which would be the subject of subsequent Development Applications. No built form is included as part of the subject Development Application. The application seeks approval for a maximum dwelling yield of 228 dwellings for the site, maximum building envelopes, maximum heights ranging from four to seven storeys, 2m wide land dedication to the Cadman Avenue frontages, a maximum 310 car parking spaces across two levels of basement parking, loading, vehicular and pedestrian access arrangements including vehicular access from Hughes Avenue and includes strategies for managing crime prevention through environmental design, managing stormwater and drainage and ecologically sustainable development.

The application is accompanied by a request to vary development standards under Clause 4.6 of The Hills Local Environmental Plan 2012 (LEP). The proposal seeks to vary Clause 4.3 Height of Buildings. The maximum height proposed is 23.85m which is an exceedance of up to 2.85m (13.57%) to the maximum 21m height development standard. This exceedance relates to the top levels of the buildings and equates to approximately 5.4% of the total floor area. In this instance, it is considered that compliance with the standard is not necessary as the building envelopes have been designed in a stepped configuration to adapt to the natural topography of the site which falls steeply by 10.8m from the north to the

southern corner. The upper floors of each building are substantially setback from the front façade and are not visible when viewed from the street at the front of the site.

Having regard to recent judgments of the Land and Environment Court, for the reasons identified in this report, it is considered that the variation can be supported as the Applicant's request is well founded; the proposed variation result in a development that is consistent with the objectives of Clause 4.3 Height of Building, and the R4 High Density zone objectives; compliance with the standard is unnecessary in this instance and there are sufficient environmental grounds to justify the contravention; and the proposed development will be in the public interest.

The proposal complies with the design quality principles of SEPP 65 with regard to the context and neighbourhood character of the Showground Station precinct, the massing of the buildings have been designed to minimise perceived bulk and scale, the density is consistent with the requirements under the LEP, the concept proposal has the potential to provide built form outcomes that provide satisfactory landscape, amenity, sustainability, housing diversity, safety and aesthetics. The proposed building envelopes are generally consistent with the relevant design criteria for concept proposals of the Apartment Design Guide. A detailed assessment against the Apartment Design Guide will be required for future built form Development Applications for the site.

The proposal complies with DCP 2012 Part D Section 19 – Showground Precinct with the exception of an exceedance in height to the structure plan, front setbacks and building length. The variations to these controls are supported as the proposal would result in a better urban design outcome for the site compared to that of a fully compliant scheme. The proposal provides for land dedication of 2m along Cadman Crescent north and east, as required under the Local Street – Land Dedication Plan of the DCP. This is conditioned to form part of the requirements for the first built form development consent.

Whilst the proposal excludes three lots from the 'island' site, the Applicant contends that the proposal does not isolate any properties as these lots are capable of development for permissible uses which would deliver a planning uplift in terms of highest and best use. Notwithstanding, the Applicant has provided evidence in accordance with the Land and Environment Court's established Planning Principles for development proposals that would result in an isolated site. It is also noted that the LEP has recently been amended to enable undersized development sites (<10,000m²) within the Showground Precinct to unlock the incentive Floor Space Ratio standards where sites have been isolated. In this regard, under the current LEP standards and controls, the excluded sites can be developed to its full potential, independent of the subject proposal.

The application was notified for a period of 14 days on two occasions. Five submissions from property owners were received during the first notification period and two submissions were received during the second notification period from previous objectors. The issues raised in the submissions relate to increased traffic safety and congestion, inadequate roads and infrastructure such as parks, insufficient street parking, isolation of sites and orderly development concerns for three lots on the northern corner that have not been included in the proposal, orderly development within the Showground precinct, excessive heights proposed, development inconsistent with the existing low density character of the area, change in demographics, construction noise and disruption for existing residents.

The issues raised in the submissions have been addressed in the body of the report and do not warrant refusal of the application.

The Development Application is recommended for approval subject to conditions of consent.

BACKGROUND

The site is within the Showground Precinct which is one of four Precincts identified by the NSW Government to be planned as part of its 'Planned Precinct Program' along the Sydney Metro Northwest corridor.

The subject Development Application was lodged on 20 February 2019. The proposal was notified for 14 days and five submissions were received following the notification period. The original application proposed 255 units and was accompanied by a request to vary development standards for the Height of Buildings pursuant to Clause 4.6 of The Hills Local Environmental Plan 2012 (LEP). This original request included a maximum height of 31.2m which is a significant variation to the height standard (48.57%).

Council's Design Review Panel (DRP) reviewed the subject application on two occasions (2 May 2019 and 27 November 2019). On 2 May 2019, the DRP reviewed the original proposal and concluded that the Concept Development Application did not meet the requirements of design excellence. It was recommended that the applicant address the issues identified in the DRP report and present a revised application to the Panel.

A request for additional information letter was sent to the Applicant on 7 June 2019 raising concerns regarding building height, Clause 9.5 Design Excellence, Clause 9.7 Residential Development Yield, Solar Access requirements under the Apartment Design Guide and non-compliances to the Structure Plan, land dedication, front setbacks, building length, solar access and landscaping.

Additional information and amended plans were submitted on 26 August 2019 which included a number of design options including a reduction in the variation to the height standard of 36.9%. In addition, the Applicant submitted a Voluntary Planning Agreement (VPA) letter of offer to dedicate a 2 metre wide strip of land along Hughes Avenue (total area of 772m²), undertake embellishment of this land with indented car parking bays and provision of a through-site link within the site. The Applicant's VPA letter of offer indicated that the received benefit would be in the form of extra height, equating to 7.75m or 36.9% over the height standard. On 4 November 2019, Council officers indicated that the VPA offer would provide no benefit to Council and is not supported.

A meeting was held between Council staff and the Applicant on 31 October 2019. Amended design concepts were presented to Council staff including a proposal with a maximum height variation of 13.57%.

The DRP reviewed the amended Concept Development Application on 27 November 2019. The Panel supported the amended Concept Masterplan subject to retaining the upper level setbacks to each of the block facades, providing fine grain and architectural diversity, not reducing the dimensions of the central communal open space and keeping the extensive deep soil planting and existing trees, to establish 'green' street frontages.

Amended plans and associated documentation was formally lodged with Council on 20 December 2019. These plans were renotified to affected property owners. The amendments resulted in a reduction of the unit yield from 255 to 228 units and a maximum height variation of 13.57%.

DETAILS AND SUBMISSIONS

Owners:	Mr K Root, Mrs M P Root, Mr C Gao, Galvlad Property Pty Ltd, Mr B Merhi, Mrs S S Merhi, Mr D A Lincoln, Mrs M A Lincoln, Mrs J Berger, Mr VH Chan, Mrs E H Chan, Mr V P Tangonan, Mrs M M Tangonan, Mr L Tao, Ms L Xu, Mrs A Matic, Ms M Stevenson, Mr C M K Fernando, Mrs M A Fernando, Mr R E Beeldman, Mr S W Kim, Mr G S Maiolo and Mrs J J Maiolo
Zoning:	R4 High Density Residential
Area:	12,403.8m ²
Existing Development:	14 dwellings
Section 7.11 Contribution	Contributions will be charged for subsequent Development Applications for built form
Exhibition:	Not required
Notice Adj Owners:	Yes, 14 days on two occasions
Number Advised:	41 on both occasions
Submissions Received:	Five (during first notification) Two (during second notification)

PROPOSAL

The Concept Development Application is made pursuant to Section 4.22 of the Environmental Planning and Assessment Act 1979. Section 4.22 of the Act States;

4.22 Concept development applications

- (1) *For the purposes of this Act, a **concept development application** is a development application that sets out concept proposals for the development of a site, and for which detailed proposals for the site or for separate parts of the site are to be the subject of a subsequent development application or applications.*
 - (2) *In the case of a staged development, the application may set out detailed proposals for the first stage of development.*
 - (3) *A development application is not to be treated as a concept development application unless the applicant requests it to be treated as a concept development application.*
 - (4) *If consent is granted on the determination of a concept development application, the consent does not authorise the carrying out of development on any part of the site concerned unless:*
 - (a) *consent is subsequently granted to carry out development on that part of the site following a further development application in respect of that part of the site, or*
 - (b) *the concept development application also provided the requisite details of the development on that part of the site and consent is granted for that first stage of development without the need for further consent.*
- The terms of a consent granted on the determination of a concept development application are to reflect the operation of this subsection.*

- (5) *The consent authority, when considering under section 4.15 the likely impact of the development the subject of a concept development application, need only consider the likely impact of the concept proposals (and any first stage of development included in the application) and does not need to consider the likely impact of the carrying out of development that may be the subject of subsequent development applications.*

The Concept Development Application encompasses five buildings with a total of 228 dwellings, associated car parking and landscaping. The Application does not seek consent for any physical works to be carried out on site. The purpose of this application is to demonstrate how the site will be developed in its entirety and to establish a framework to inform future detailed built form proposals which would be the subject of subsequent Development Applications.

The proposal seeks approval for the following:

- A maximum dwelling yield of 228 dwellings for the site,
- Maximum building envelopes,
- Maximum heights ranging from four to seven storeys,
- 2m wide land dedication to the Cadman Avenue frontages,
- A maximum 310 car parking spaces (including 3 spaces for service vehicles) across two levels of basement parking,
- Loading, vehicular and pedestrian access arrangements including vehicular access from Hughes Avenue.

The Application also seeks approval for strategies for the following:

- Managing crime prevention through environmental design,
- Managing stormwater and drainage and
- Managing ecologically sustainable development.

STRATEGIC CONTEXT

Greater Sydney Region Plan – A Metropolis of Three Cities

The Greater Sydney Region Plan, *A Metropolis of Three Cities* has been prepared by the NSW State Government to set a 40 year vision and established a 20 year plan to manage growth and change for Greater Sydney in the context of social, economic and environmental matters. The Plan sets a new strategy and actions to land use and transport patterns to boost Greater Sydney's liveability, productivity and sustainability by spreading the benefits of growth. The Plan seeks to integrate land use planning with transport and infrastructure corridors to facilitate a 30-minute city where houses, jobs, goods and services are co-located and supported by public transport (Objective 14). The subject site is located within 700m walking distance of the Showground Station which opened on 26 May 2019.

A key objective within the Greater Sydney Region Plan which is relevant to the subject Development Application is 'Objective 10 Greater housing supply'. The Greater Sydney Region Plan highlights that providing ongoing housing supply and a range of housing types in the right locations will create more liveable neighbourhoods and support Greater Sydney's growing population. The Plan also notes that 725,000 additional homes will be needed by 2036 to meet demand based on current population projections. To achieve this objective, planning authorities will need to ensure that a consistent supply of housing is delivered to meet the forecast demand created by the growing population.

The proposed development is considered to be consistent with this objective as it will assist in maximising housing supply within a Precinct which will have direct access to high frequency public transport services.

Central City District Plan

The Plan is a guide for implementing the Sydney Region Plan at a district level and is a bridge between regional and local planning. The plan requires integration of land use planning and transport to facilitate walkable 30-minute cities amongst the 34 strategic centres identified.

The relevant Planning Priority of the Central City District Plan is Priority C5 which seeks to provide housing supply, choice and affordability and ensure access to jobs, services and public transport. The proposed development will assist in increasing housing supply in a location which will have access to high frequency public transport services. The development proposal is considered to be consistent with the Central City District Plan.

ISSUES FOR CONSIDERATION

1. Compliance with SEPP (State and Regional Development) 2011

Schedule 7 of SEPP (State and Regional Development) 2011 specifies the referral requirements to a Planning Panel:

Development that has a capital investment value of more than \$30 million.

The proposed development has a Capital Investment Value of \$80,528,682 and therefore requires referral to, and determination by, the Sydney Central City Planning Panel.

2. The Hills LEP 2019 and LEP 2012

a. Compliance with LEP 2019

The Hills Local Environmental Plan 2019 came into force on 6 December 2019. Notwithstanding, Clause 1.8A 'Savings provision relating to development applications' states as follows:

1.8A Savings provision relating to development applications

(1) If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

Note. However, under Division 3.5 of the Act, a development application may be made for consent to carry out development that may only be carried out if the environmental planning instrument applying to the relevant development is appropriately amended or if a new instrument, including an appropriate principal environmental planning instrument, is made, and the consent authority may consider the application. The Division requires public notice of the development application and the draft environmental planning instrument allowing the development at the same time, or as closely together as is practicable.

As the Development Application was lodged on 20 February 2019 before the commencement of THLEP 2019, the application must be determined as if this Plan had not commenced. In this regard, the Development Application is determined under The Hills LEP 2012 (LEP 2012).

b. Compliance with LEP 2012 - Permissibility

The subject site is zoned R4 High Density Residential under LEP 2012. The proposed residential flat building development is permissible with consent. The proposal satisfies LEP 2012 in this regard.

c. LEP 2012 - Zone Objectives

The objectives of the R4 High Density Residential zone are:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage high density residential development in locations that are close to population centres and public transport routes.*

The proposal is consistent with the stated objectives of the zone, in that the proposal will provide for housing needs of the community, and provide a variety of housing types within a high density residential environment. As such, the proposal is satisfactory in respect to the LEP 2012 objectives.

d. LEP 2012 - Development Standards

The following addresses the relevant principal development standards of the LEP:

CLAUSE	REQUIRED	PROVIDED	COMPLIES
4.3 Building Height	21 metres	Building A – 23.6m Building B – 23.15m Building C – 13.5m Building D – 23.85m Building E – 22.69m	No, with the exception of Building C. Refer to discussion below.
4.4 Floor Space Ratio	1.6:1	N/A	N/A as the proposal seeks to utilise the 'incentive' floor space ratio provision under Clause 9.7 of LEP 2012. Refer to discussion below.
4.6 Exceptions to development standards	Exceptions will be considered subject to appropriate assessment	A variation to Clause 4.3 Height of Buildings is proposed and addressed below.	Yes, refer to discussion below.
9.1 Minimum Lot Sizes for Residential Flat Buildings and Shop Top Housing	Residential flat building with a height of 11 metres or more – R4 High Density Residential – 3,600m ²	12,403.8m ²	Yes
9.2 Site Area of Proposed	Road dedication included as part of	Land dedication of area	Yes

Development includes dedicated land	the site area for the purpose of calculating FSR.	approximately 530m ² included in FSR calculation.	
9.3 Minimum Building Setbacks	Front Building Setbacks to be equal to, or greater than, the distances shown for the land on the Building Setbacks Map	Cadman Crescent and Hughes Ave is not identified with front setbacks in the mapping instrument.	Yes
9.5 Design Excellence	Development consent must not be granted unless the development exhibits design excellence	Proposal referred to Design Review Panel and amended to address concerns raised by the Panel.	Yes, refer to discussion below.
9.7 Residential development yield on certain land	<p>If the development is on a lot that has an area of 10,000m² within the Showground Precinct and provides the following apartment mix, diversity and parking type, an incentive Floor Space Ratio of 2.3:1 can be applied as identified on the FSR mapping instrument.</p> <p>Apartment Mix: One bedroom dwellings (max. 25%)</p> <p>Three or more bedroom dwellings (min. 20%)</p> <p>Apartment Diversity: ≥40% min. internal floor area of 2 bedroom dwellings is 110m² ≥40% min. internal floor area of 3 bedroom dwellings is 135m²</p> <p>Parking Type: 1 space per dwelling</p>	<p>Site Area: 12,403.8m²</p> <p>FSR of 2.1:1 provided</p> <p>57 (25%) 1 bedroom units</p> <p>46 (20.1%) 3 bedroom or more units</p> <p>40% (2 bedroom at least 110m²)</p> <p>41% (3 bedrooms at least 135m²)</p> <p>274 spaces required. 307</p>	Yes, the proposal has demonstrated that the incentive FSR can be applied and complies with the standard.

	and 1 space per 5 units	spaces provided.	
9.8 Maximum Number of Dwellings	Development Consent must not be granted to development that results in more than 5,000 dwellings on land within the Showground Precinct	228 units proposed under the subject proposal. If this development application is approved, the total number of dwellings approved within the Showground Precinct would be 564 units.	Yes

i. Variation to Clause 4.3 Height of Buildings

Clause 4.3 of LEP 2012 limits the height of the development site to 21 metres. Proposed Building A has a maximum height of 23.6m, Building B has a maximum height of 23.15m, Building D has a maximum height of 23.85m and Building E has a maximum height of 22.69m which represents a variation of 12.4%, 10.2%, 13.57% and 8% respectively, to the height standard.

The applicant has provided a Clause 4.6 Variation which is provided at Attachment 19.

Clause 4.6 Exceptions to Development Standards states:

(1) The objectives of this clause are as follows:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

(4) Development consent must not be granted for development that contravenes a development standard unless:

- (a) the consent authority is satisfied that:*
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Secretary has been obtained.

(5) In deciding whether to grant concurrence, the Secretary must consider:

- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) the public benefit of maintaining the development standard, and*
- (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.*

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:

- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
- (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following:

- (a) a development standard for complying development,*
- (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
- (c) clause 5.4,*
- (ca) clause 6.1 or 6.2,*
- (cb) clause 7.12.*

In determining the appropriateness of the variation request, a number of factors identified by the Applicant have been taken into consideration to ascertain whether the variation is supportable in this instance. They include:

- *Compliance with the building height standard is unreasonable and unnecessary given the built form responds to low density residential land to the south by stepping the heights of Building B and D. Building B provides a stepped form of 4,5, 6 and 7 storeys while Building D provides a stepped form of 5 and 6 storeys respectively. This approach in tandem with the heights proposed for Building C, produces an ideal built form outcome;*
- *The variation of 13.56% is considered acceptable within the bounds of the future built form, scale and character of the area. The variation is largely a result of minor building projects at various points across a topographically challenged site;*

- *Approximately 5.4% of the total floor area volume is located within the non-compliant area, which is minor with regards to the scale of built form proposed;*
- *The proposed heights are a natural response to the existing topography of the site, which provides a fall of approximately 12m (four storeys). The topography has informed the location of height across the entire site. If a maximum height as pursued on Building C and on the southern edges of Buildings B and D, it would produce a hard transition and unsympathetically respond to the character of the area.*
- *The proposal redistributes building height and bulk from Building C to the adjoining buildings to improve transition to low density land to the south. Building C site under the maximum height limit, reducing the built form along Cadman Crescent (south). The residual building height that could be achieved on Building C has otherwise been relocated to the adjoining Buildings, which are located closer to the station and where greater development is anticipated to occur. The redistribution of the building envelope will not result in any unreasonable levels of amenity impacts to adjoining neighbours, having regard to the future quality and character of the area.*
- *The Concept DA building envelope (2.1:1) will be well below the incentive bonus FSR provision of 2.3:1 and does not result in an over-development of the site. In particular, the proposal meets the landscape, communal and deep soil area requirements under the Apartment Design Guide and DCP.*
- *The site is very unique in that it presents a near complete island site, allowing for a 'master planned' approach where bespoke planning controls can be utilised.*
- *Building C will comply with the maximum control and is considered to be the location where any breach of height would result in the greatest impact to adjoining neighbours;*
- *Notwithstanding the height variation the proposal is consistent with the objectives of the height standard and R4 High Density zone;*
- *The contravention of the height standard does not raise any matter of State or regional planning significance; and*
- *There is no public benefit in maintaining the standard in the circumstances of the case.*

Comment:

The Concept Development Application proposes maximum building envelope heights of 23.6m (Building A), 23.15m (Building B), 23.85m (Building D) and 22.69m (Building E) which represents a variation of 12.4%, 10.2%, 13.57% and 8% respectively, to the height standard.

The objective of Clause 4.3 'Building Height' is to ensure that the height of buildings is compatible with that of adjoining development and the streetscape. Additionally, the building height development standard aims to minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas. As such, the development standard for building height and the development controls for building setbacks, building design, solar access and overshadowing have been considered with respect to the merits of a variation pursuant to Clause 4.6.

The site is within the Showground Station Precinct subject to the NSW Government's 'Planning Precinct Program' along the Sydney Metro Northwest corridor which was rezoned for high and medium density development. The development facilitates higher densities close to the Showground Station priority precinct. The proposal is unique in that it is located within a predominantly triangular 'island site' and is bounded by a transition from the R4 High Density zone to R3 Medium Density zone to the north and east. A steep fall of approximately 10.8m exists from the northern to the southern corner.

The concept Development Application has been amended on several occasions as recommended by Council staff and the Design Review Panel. It is noted that the proposal has been significantly reduced in height from a maximum height of 31.2m (48.57% to the

standard) to 23.85m (13.57% to the standard). The amended proposal has been designed to provide a built form outcome that responds to the site's opportunities and topographical constraints, is compatible with the scale and character of the Showground Station Precinct and minimises amenity impacts to adjoining development. The placement of the highest building elements located to the north and western portions of the site is considered appropriate in the context of the Showground Station Precinct as these elements are in closer proximity to the station. Lower heights of four and six storeys are proposed on the eastern portion of the site to provide a more appropriate transition to the adjoining R3 Medium Density zone. The height variations to all buildings are limited to the upper floor, approximately 5.4% of the gross floor area for the entire development. The upper floors are setback a further 3m from the lower levels. In this regard, the encroachments above the height restriction are imperceptible when viewed from the streetscape.

The proposed departure to the building height development standard will not cause adverse impacts on the amenity of adjoining properties with respect to overshadowing and perceived bulk and scale. The tallest elements within Buildings A, B, D and E would result in negligible overshadowing impacts to adjoining properties. The location of Building C would have the greatest impact with regards to visual amenity and overshadowing to adjoining properties within the R3 Medium Density zone, however this building is proposed with a maximum height of 13.5m (four storeys) which is 7.5m below the 21m height limit. It is noted that the proposal has been reduced in scale from the original design with the deletion of an eighth storey in Buildings A, D and E (27 units) to ensure that amenity impacts are reduced.

The applicant has adequately demonstrated that the proposed development is in the public interest and is consistent with the objectives of Clause 4.3 'Building Height' and the R4 High Density Residential zone. In this regard, the variation to building height will not create a building of excessive height, bulk or scale nor will it cause undue impacts upon the amenity of adjoining residential properties. A variation to the building height in this instance is considered to be satisfactory given that the application of the development standard in this instance is considered to have negligible effect on the built form outcome with respect to bulk and scale. In this regard, the variation can be supported.

Specifically, in relation to recent judgments of the Land and Environment Court, for the reasons identified in this report and the Applicant's Clause 4.6 Variation Request, it is considered that the variation can be supported as:

- The Applicant's request is well founded;
- The proposed variation results in a development that is consistent with the objectives of Clause 4.3 Height of Building and the R4 High Density zone objectives;
- Compliance with the standard is unnecessary or unreasonable in this instance and there are sufficient environmental grounds to justify the contravention; and
- The proposed development will be in the public interest because it is consistent with the objectives of the development standard and the objectives for the development within the relevant zone.

Court cases dealing with applications to vary development standards resulted in the Land and Environment Court setting out a five part test for consent authorities to consider when assessing an application to vary a standard to determine whether the objection to the development is well founded. In relation to the 'five part test' the objection to the building height is well founded on Part 1 of the test as the objectives of these standards are achieved notwithstanding non-compliance with the standards.

It is also noted that in accordance with the Departments Circular PS 18-003 that Director General's concurrence can be assumed in respect of any Environmental Planning

Instrument that adopts Clause 4.6 Exceptions to Development Standards of the Standard Instrument or a similar clause.

ii. Clause 9.5 – Design Excellence

Clause 9.5 of LEP 2012 states the following:

- (1) The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.*
- (2) This clause applies to development involving the erection of a new building or external alterations to an existing building on land within the Showground Station Precinct.*
- (3) Development consent must not be granted to development to which this clause applies unless the consent authority considers that the development exhibits design excellence.*
- (4) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters:*
 - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*
 - (b) whether the form, arrangement and external appearance of the development will improve the quality and amenity of the public domain,*
 - (c) whether the development detrimentally impacts on view corridors,*
 - (d) whether the development detrimentally impacts on any land protected by solar access controls established in the development control plan referred to in clause 9.4,*
 - (e) the requirements of the development control plan referred to in clause 9.4,*
 - (f) how the development addresses the following matters:*
 - (i) the suitability of the land for development,*
 - (ii) existing and proposed uses and use mix,*
 - (iii) heritage issues and streetscape constraints,*
 - (iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,*
 - (v) bulk, massing and modulation of buildings,*
 - (vi) street frontage heights,*
 - (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,*
 - (viii) the achievement of the principles of ecologically sustainable development,*
 - (ix) pedestrian, cycle, vehicular and service access, circulation and requirements,*
 - (x) the impact on, and any proposed improvements to, the public domain,*
 - (xi) the impact on any special character area,*
 - (xii) achieving appropriate interfaces at ground level between the building and the public domain,*
 - (xiii) excellence and integration of landscape design.*
- (5) In addition, development consent must not be granted to development to which this clause applies unless:*
 - (a) if the development is in respect of a building that is, or will be, higher than 21 metres or 6 storeys (or both) but not higher than 66 metres or 20 storeys (or both):*
 - (i) a design review panel reviews the development, and*

- (ii) *the consent authority takes into account the findings of the design review panel, or*
 - (b) *if the development is in respect of a building that is, or will be, higher than 66 metres or 20 storeys (or both):*
 - (i) *an architectural design competition is held in relation to the development, and*
 - (ii) *the consent authority takes into account the results of the architectural design competition.*
- (6) *Subclause (5) (b) does not apply if:*
- (a) *the NSW Government Architect certifies in writing that an architectural design competition need not be held but that a design review panel should instead review the development, and*
 - (b) *a design review panel reviews the development, and*
 - (c) *the consent authority takes into account the findings of the design review panel.*

As the proposed residential flat building exceeds 21 metres and 6 storeys, but not higher than 66 metres or 20 storeys, the proposal is required to be reviewed by the design review panel, and the consent authority is required to take into account the findings of the design review panel.

Comment:

The design excellence of the proposal was considered at a Design Review Panel meeting held on 2 May 2019. The meeting minutes of the Design Review Panel are included at Attachment 20. The Panel concluded that the proposal did not meet design excellence and recommended the following:

“The Panel does not support the proposal in its current form as the proposal does not meet the requirements of design excellence. It is recommended that the applicant, addresses the issues identified in this report and presents a revised application to the Panel.

The following concerns and recommendations in relation to the concept Development Application were made by the Panel:

- The proposal does not demonstrate integration with other new or proposed development in the immediate surrounds of the site, or the wider urban and environmental context of the new Showground Precinct. The Panel requests a statement from the architect describing how the design responds to the social, cultural and environmental conditions of regional north western Sydney.
- The triangular shape of the courtyard creates some residential amenity issues at its narrow northern end.
- The scheme proposed a significant departure from the key controls on the basis of creating improved scale interfaces to the adjacent R3 lower density precinct to the south-east of the site. The proposed non-compliance in height is significant, being between one and two storeys higher than the control for extensive parts of the built form. A height reduction along the north-eastern frontage would improve the scale interface, as well as improve solar access to the courtyard.
- The significant site fall may be a possible reason for some height non-compliance on a merits basis, however not to the extent of the current proposal, being up to two storeys. The Panel recommends the height be reduced as the proposal is not considered to be successfully resolved with its likely future context and would create a precedent on other sites in the Showground precinct.
- The photomontages are too diagrammatic and do not provide sufficient detail for the Panel to common on.

- The central courtyard will be largely in shade as a result of the shape and the non-complaint built form proposal for the development.
- The Panel considers that ADG minimum building and boundary separations and DCP setbacks should be complied with and recommends the building envelopes be revised accordingly.
- The public domain is compromised by the proposed significant reduction in setbacks to the street to allow for substantial tree planting.
- The front private yards need to be evaluated with regards to level changes. Subterranean units and sunken terraces should be avoided. Solar access should be improved to ground level courtyard areas.
- A significantly higher quantum of large, high canopy trees and deep soil zones should be provided around the edges of the site and within the central courtyard.
- Landscape architectural and engineering drawing sets are to be coordinated. Provide a comprehensive landscape design.
- Clarification that the proposal complies with the requirement for solar access to a portion of the principal communal open space at ground level and the rooftop communal open space has access to winter sun.
- Clarification that the proposal meets the requirements to ADG definition.
- Recommends review by a sustainability engineer and report prepared demonstrating passive and active environmental strategies are integrated into the design.
- The urban, landscape and architectural design characteristics of the proposal have not been sufficiently developed. Building elevations, planting and materials selections, and key street view photo montages should be provided as a minimum.
- Street front utility service elements to be integrated into the building fabric and landscape.
- Vehicular access to be consolidated and wholly contained within a building footprint.

Significant design changes were made to address the concerns raised by the Design Review Panel. A concept design was presented to the Panel at a second meeting. At this meeting, the Panel offered qualified support of the concept master plan subject to retaining the upper level setbacks to each of the development block facades, providing fine grain and architectural diversity, not reducing the dimensions of the central communal open space and keeping the extensive deep soil planting and existing trees, and design of effective and 'green' street frontages. In this regard, the recommendations have been implemented in the proposal and addressed as follows:

- The height exceedance has been reduced significantly from 48.57% to 13.6% and a more considered built form outcome has been presented. This has the potential to integrate better with the surrounding built form.
- The density has been reduced to 2.1:1 and 228 dwellings are proposed (previously 255).
- The revised proposal has the potential to achieve good built form and landscape outcomes. The Applicant has demonstrated that the isolated lots at the western end of the block are able to be developed independently of the current proposal.
- The reduction in height of the built form to the north (Buildings A and B) has resulted in more solar access provided for the internal communal open space area.
- The site coverage complies with the DCP requirements.

In addition the Panel recommended the following provisions:

- The central communal open space is not further reduced.
- Consideration should be given to providing community facilities such as children's play areas within the communal open space.

- The articulation of the built form should be carefully considered to break down the bulk and scale of the development blocks.
- Examine larger apartment sizes to offer an alternative product to the market and consider providing secondary living spaces.

Comment:

The other matters required to be addressed under Clause 9.5 have been assessed as satisfactory by the Design Review Panel or addressed in other sections of this report. It is considered that the proposal exhibits design excellence and satisfies Clause 9.5 of the LEP.

3. Compliance with SEPP No. 55 – Remediation of Land

This Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspects of the environment.

Clause 7 of the SEPP states:

1) A consent authority must not consent to the carrying out of any development on land unless:

it has considered whether the land is contaminated, and

if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

The site has been used for residential purposes and is unlikely to be contaminated however the Applicant has submitted a Preliminary Site Investigation prepared by Douglas Partners, Document Number R.001.Rev 1 Project Number 86559.01 dated 17 January 2019. The investigation identified that filling, hazardous building materials in previous structures and market garden usage could be potential sources of contamination for the site, however the potential for resultant significant contamination is low. In this regard, a condition is recommended that any future built form Development Applications will require the submission of a further Phase 1 Contamination Report including soil sampling, further assessment of past land uses including later historical aerial photographs, historical land tiles and Safe Work NSW records and a more thorough site walkover be undertaken to confirm (or otherwise) that there is an absence of contamination. In addition, a hazardous building materials survey is to be conducted prior to demolition works. Refer to condition 5.

In this regard, subject to appropriate conditions, it is considered that the site is suitable for the proposed development with regard to land contamination and the provisions of SEPP 55.

4. Compliance with SEPP No. 65 – Design Quality of Residential Apartment Development

A Design Verification Statement was prepared by Brian Meyerson, registration number 4907 of MHN Design Union.

a. Design Quality Principles

Although the subject application does not include built form, the application includes sufficient detail to allow an assessment against the relevant design quality principles contained within SEPP 65;

Principle 1: Context and neighbourhood character

The proposal is compatible with the desired context and neighbourhood character of the Showground Station precinct. The future desired character for residential areas within the precinct are to be green and walkable, providing a lifestyle alternative to the traditional suburban context, focused highly on an appropriate scale and an attractive environment for pedestrians. The proposal has addressed comments made by Council's Design Review Panel and it is considered that the amended proposal will provide for built forms that would be appropriate in scale with an attractive streetscape presentation and landscaped setting which reinforces the garden shire character and lifestyle. In this regard, the proposal is compatible with the desired neighbourhood character of the Showground Station precinct.

Principle 2: Built form and scale

The proposal is consistent with the requirements of Council's LEP, and has the potential to be designed and articulated to minimise the perceived bulk and scale of built forms. Appropriate setbacks, separation and layering of façade elements assist in creating expressive street frontages and enhancing the developments relationship with the public domain. The interface between the development and the public open space area has been duly considered with appropriate setbacks on the ground floor, podium and upper levels provides an appealing scale to pedestrians to ensure a high level of amenity is provided. In addition, the proposal relocates mass from east to west resulting in a four storey envelope fronting on Cadman Crescent East providing a better transition between the high density and medium density zones.

Principle 3: Density

The subject proposal provides for 228 dwellings for the site. The applicant initially sought consent for 255 units however has reduced the dwelling yield to reduce the height of the built form and ensure the proposal meets design excellence. As the development site is within the Showground Precinct and has an area exceeding 10,000m², the proposal seeks to utilise an incentivised FSR provision under Clause 9.7 of LEP 2012. The density is consistent with the site's strategic location and the surrounding character of adjoining development. In this regard, the proposal is appropriate for the site and future Showground Station precinct.

Principle 4: Sustainability

The design achieves natural ventilation and solar access as required by the Apartment Design Guide. The incorporation of insulation will minimise the dependency on energy resources in heating and cooling. The achievement of these goals then contributes significantly to the reduction of energy consumption, resulting in a lower use of valuable resources and the reduction of costs.

Principle 5: Landscape

The concept landscape plan indicates that all open spaces including ground floor areas will be appropriately landscaped with native trees and shrubs to provide a high quality finish. The proposed landscaping integrates with the overall appearance of the development.

Principle 6: Amenity

Future building design has been developed to provide for the amenity of the occupants as well as the public domain. The proposed units are designed with appropriate room dimensions and layout to maximise amenity for future residents. The proposal incorporates good design in terms of achieving natural ventilation, solar access and acoustic privacy. All units can incorporate balconies accessible from living areas and privacy can be achieved through appropriate design and orientation. The units will be able to accommodate storage

areas and laundries. The proposal will be able to provide convenient and safe access to lifts connecting the basement and all other levels.

Principle 7: Safety

The development has been designed with safety and security concerns in mind. The common open spaces are within direct view of occupants to allow passive surveillance. Open spaces are designed to provide attractive areas for recreation and entertainment purposes. These open spaces are accessible to all residents and visitors whilst maintaining a degree of security. Private spaces are clearly defined and screened.

The NSW Police have reviewed the Development Application and outlined a number of CPTED recommendations. Compliance with NSW Police recommendations has been recommended as a condition of consent.

Principle 8: Housing diversity and social interaction

The location of this development provides dwellings within a precinct that will provide in the future, a range of support services. The development complies with the unit mix and internal floor areas as required under the Apartment Design Guide and The Hills LEP 2012 including larger unit sizes which would encourage appropriate housing diversity and family friendly units within the Showground Station precinct.

Principle 9: Aesthetic

All future built form applications will address the aesthetics principle.

b. Apartment Design Guide

In accordance with Clause 30(2) of SEPP 65, a consent authority in determining a Development Application for a residential flat building is to take into consideration the Apartment Design Guide. Future subsequent built form Development Applications will require an assessment of the proposal against the Design Criteria provided in the Apartment Design Guide, however the proposal complies with the following key criteria:

Clause	Design Criteria	Compliance
Siting		
Communal open space	25% of the site, with 50% of the area achieving a minimum of 50% direct sunlight for 2 hours midwinter.	Yes. 35% of the development site area (4,156m ²) is capable of being utilised as communal open space. The principal communal open space area is capable of receiving at least 50% direct sunlight for 2 hours during midwinter.
Deep Soil Zone	7% of site area. On some sites it may be possible to provide a larger deep soil zone, being 10% for sites with an area of 650-1500m ² and 15% for sites greater than 1500m ² .	Yes. Approximately 38% of the development site area is capable of being defined as true deep soil zones as defined within the

		ADG.
Separation	For habitable rooms, 12m (6m to boundary) for 4 storeys, 18m (9m to boundary) for 5-8 storeys and 24m (12m to boundary) for 9+ storeys	Yes. The proposal is capable of achieving compliance.
Car parking	Car parking to be provided based on proximity to public transport in metropolitan Sydney. For sites within 800m of a railway station or light rail stop, the parking is required to be in accordance with the RMS Guide to Traffic Generating Development which is: Metropolitan Sub-Regional Centres: 0.6 spaces per 1 bedroom unit. (57 units) 0.9 spaces per 2 bedroom unit. (125 units) 1.40 spaces per 3 bedroom unit. (46 units) 1 space per 5 units (visitor parking).	Yes. The site is located within 800m of the future Showground Station. 257 be required in accordance with the RMS rate. 307 spaces provided.
Designing the Building		
Solar and daylight access	1. Living and private open spaces of at least 70% of apartments are to receive a minimum of 2 hours direct sunlight between 9am and 3pm midwinter. 2. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	Yes. The proposal is capable of achieving two hours solar access for 70% (160 of 228) of apartments between 9am and 3.00pm. Yes. The proposal demonstrates that 14% (33 of 228) of apartments will not receive any solar access between 9.00 am and 3.00 pm.
Natural ventilation	1. At least 60% of units are to be naturally cross ventilated in the first 9 storeys of a building. For buildings at 10 storeys or greater, the building is only deemed to be cross ventilated if the balconies cannot be fully enclosed.	Yes. 67% (152 of 228) of units are capable of achieving the cross ventilation requirements.
Apartment size	1. Apartments are required to have the following internal size: Studio – 35m ² 1 bedroom – 50m ² 2 bedroom – 70m ² 3 bedroom – 90m ² The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal areas by 5m ² each.	Yes. The proposal is capable of achieving compliance.

Apartment mix	A variety of apartment types is to be provided and is to include flexible apartment configurations to support diverse household types and stages of life.	Yes. The proposal is capable of achieving the apartment mix in accordance with Clause 9.7 of The Hills LEP 2012.
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5. Compliance with DCP 2012

The proposed development has been assessed against the relevant development controls under Part D Section 19 Showground Station Precinct of The Hills Development Control Plan 2012, Part B Section 5 Residential Flat Buildings, Part C Section 1 Parking and Part C Section 3 Landscaping.

The proposed development achieves compliance with the relevant requirements of the development controls with the exception of the following:

DEVELOPMENT CONTROL	THDCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
Structure Plan	The structure plan indicates the subject site is for residential development up to 6 storeys in height.	4 - 7 storeys in height.	No, refer to discussion below.
Front Setbacks	7.5m front setback from the existing property boundary to Cadman Crescent and Hughes Ave. Balconies shall not protrude into the setback areas. 4m upper level setback for storeys above the 4 th storey	6m - Cadman Crescent east and north 6.5m - Hughes Avenue 3m - Cadman Crescent east and north and Hughes Avenue	No. Refer to discussion below.
Façade and Building length	On road reserves less than 20m in width, the length of the façade shall not exceed 40m. Buildings are to have a maximum length of 65m. Where a building has a length greater than 30m it is to be separated into at least two parts by a significant recess or projection.	Cadman Crescent and Hughes Ave are both local roads with a road reserve of 17m in width. The proposed façade and building lengths are: 41m - Building A 57m - Building B 50m - Building C 49m - Building D 45m - Building E	No, however the design of the building has been assessed as exhibiting design excellence in accordance with Clause 9.5 of the LEP. Refer to discussion below.

a. Showground Precinct Structure Plan

The DCP requires development to comply with the Showground Precinct Structure Plan which indicates residential development of up to 6 storeys for the subject site.

The proposal includes residential development of up to 7 storeys for the subject site.

The DCP provides the following objectives relating to the control:

- To ensure that development occurs in a coordinated manner consistent with the Precinct vision and the development principles of housing diversity, employment opportunities, transit oriented development, quality infrastructure and open space and place making.
- To provide a mix of housing, retail, employment and services in appropriate and logical locations within the Precinct.
- To local higher scale residential apartments and commercial use closest to the station, the Castle Hill Showground and Cattai Creek corridor to optimise access to station facilities as well as outlook and natural amenity.

Comment:

The Showground Station Structure Plan is indicative only and has not taken into consideration the additional heights required if the incentive FSR is applied to sites which meet the provisions under Clause 9.7 of LEP 2012. The proposal meets the provisions for housing diversity as required under the Clause and seeks to utilise the incentive FSR. A Clause 4.6 written variation to the height development standard has been submitted and is supported as the variation is consistent with the LEP objectives of Clause 4.3 Height of Building and the R4 High Density zone objectives; compliance with the standard is unreasonable in this instance and there is sufficient environmental grounds to justify the contravention; and the proposal is in the public interest. Refer to Section 2d for detailed discussion.

In this regard, the variation is considered satisfactory.

b. Front Setbacks

The DCP requires that buildings are to provide a 7.5m front setback to Cadman Crescent and Hughes Ave and an upper level setback of 4m behind the building line for four storeys and above. The proposal provides for a 6m front setback and 3m upper level setback to Cadman Crescent east and north and a 6.5m front setback and 3m upper level setback to Hughes Avenue.

The DCP provides the following objectives relating to the Building Setbacks control:

- *To provide strong definition to the public domain and create a consistent streetscape.*
- *To set taller building elements back from the street to reduce building scale and bulk and enable adequate sunlight access to the public domain.*
- *To provide articulation zones to complement building mass and emphasise key design elements such as entrance points and respond to environmental conditions including solar access, noise, privacy and views.*
- *To ensure adequate separation between buildings on different sites to alleviate amenity impacts, including privacy, daylight access, acoustic control and natural ventilation.*

The applicant has provided the following justification for the variation:

Front Setback

The application is for a Concept DA, where the setbacks adopted are bespoke and better respond to the circumstances of the site. This is supported by an independent urban design peer review of the building envelope and masterplan, prepared by GMU, which states the proposed built form responds to the inherent characteristics of the site and presents an acceptable outcome.

A 7.5m setback on all side boundaries would also reduce the size of the central communal open space area, which would result in sub-optimal outcome for the future amenity of the site. We note the reduced setback has been considered by Council's DRP, who considered the minor reduction of 7.5m along Cadman Crescent supportable. The proposed setback to Hughes Avenue is also considered acceptable subject to suitable plantings in street setback and provision of a tall canopy. This can be addressed during the preparation of a detailed DA and the proposed landscaping plan and arborist report demonstrate a substantial canopy and tree planting can be maintained at Hughes Avenue.

Upper Level Setback

The concept DA provides a 3m setback for the upper two levels of each building that exceeds five storeys. As described earlier, the proposal is for a Concept DA, which seeks to adopt bespoke planning controls that best reflect an optimal outcome for the site. The proposal maintains key attributes of a well-defined street wall that is of human scale, is softened by mature trees along the frontage and presents a highly articulated façade. In addition, the upper level setback maintains that passive surveillance is maintained along the street frontages. On this basis, the upper level setbacks proposed are considered suitable for achieving the desired built form outcome of the site. We note Council's DRP on 27 November 2019 supported the reduction in the fourth floor setback from 4m to 3m on the street frontage on all blocks. The panel notes the particular site characteristics for internal facades will improve the spatial quality and amenity of the communal open space.

Comment:

The front and upper floor of the building envelopes of block A, B and C encroach within the Cadman Crescent East and North front setback by 1.5m and 1m respectively resulting in a front setback of 6m and upper floor setback of 3m.

The proposal has been reviewed by the Design Review Panel on two occasions. The Panel considered the minor reduction to the 7.5m street setback control on Cadman Crescent supportable, due to the lower adjacent heights and density, the irregular shape of the site, and the adverse impact on the internal communal open space. In addition, the Panel supported the proposed reduction in the fourth floor setback from 4m to 3m on the street frontage on all blocks as the additional articulation provided to the internal facades will improve the spatial quality and amenity of the communal open space.

The proposed concept application is located on a unique triangular shaped 'island site' which is zoned R4 High Density with a maximum height limit of 21m. The site comprises three road frontages with two of these frontages (Cadman Crescent north and east) bounded by an R3 Medium Density zone with a height restriction of 10m which is envisaged as three storey terrace housing. The reduced front setbacks are more commensurate with the interface between the differing residential density zones and provides for future built form that has the potential to provide strong definition to the public domain and create a consistent streetscape. A further 3m setback is also provided on the upper level to further break up the building mass when viewed from the streetscape. The setbacks would still meet the intent of the control which is to set taller building elements back from the street to

reduction the bulk and scale and provide sufficient solar access to the public domain whilst providing sufficient communal open space.

The front of the building envelopes of buildings D and E encroach within the Hughes Avenue front setback by 1m, resulting in a 6.5m front setback. The Design Review Panel has indicated that the reduced setback requires further consideration and recommended more substantial plantings in the street setback to allow for tall canopy trees to reinforce the current landscape character and identify of the Showground Precinct and the Garden Shire. Notwithstanding, Council's Landscape Assessment Officer has reviewed the proposal and raises no concerns with the landscape concept plans and notes that large canopy trees could be provided within the 6.5m front setback. The proposal would still provide for high quality landscaping within the street setback, has the potential to provide a strong definition to the public domain and provide articulation zones to complement building mass and emphasise key design elements.

In this regard, the variations to the setbacks control are considered satisfactory.

c. Façade Length and Maximum Building Length

The DCP requires that on road reserves of less than 20m in width, the length of the facade shall not exceed 40m. The DCP also requires that buildings are to have a maximum length of 65m. Where a building has a length greater than 30m it is to be separated into at least two parts by a significant recess or projection.

The proposal includes indicative building lengths of 41m (Building A), 57m (Building B) and 50m (Building C) fronting Cadman Crescent which is a local road with a road reserve of 17m. In addition, Buildings D and E have building lengths of 49m and 45m, respectively.

The DCP provides the following objective relating to the control:

- To ensure development creates a positive streetscape and achieves a high quality architectural design.

The applicant has provided the following justification for the variation:

We note the building lengths have been substantially reduced for most buildings since the proposal was originally lodged to respond to DRP and Council comments. While all buildings present a length greater than 40m, the proposal presents a series of height changes and steps height in line with the natural topography of the site. This reduces the perceived façade lengths and provides a natural break-up of the building envelopes. Longer façade lengths will be addressed through improved building articulation and expression at ground and the upper two storeys.

The changes in height are located at key changes in topography to alter the perceived façade lengths and add visual interest to the streetscape. Overall, we consider the current façade arrangement and height changes to present a suitable outcome in lieu of requiring maximum façade lengths.

Comment:

Whilst the building lengths do not comply with the DCP controls, the proposal is for a concept development application with indicative building envelopes. No built form is proposed as part of the application. It is envisaged that subsequent built form Development

Applications would include significant recesses and projections detailing sufficient articulation to break up the building mass.

The proposal has been reviewed by Council's Design Review Panel. No objections were raised to the proposed lengths of the building envelopes. Recommendations have been made by the Panel that include the retention of the upper level setbacks to each of the development block facades to provide fine grain and architectural diversity.

The proposal has been amended to exhibit design excellence and the concept proposal has the potential to achieve high-quality built form design outcomes (refer Section 2d). In this regard, the proposal meets the intent of the control and the variation is considered satisfactory.

d. Site Requirements – Orderly Development

The DCP notes that the creation of isolated sites is not desirable and should be avoided where possible and indicates that where a property is likely to be isolated by development and it cannot be demonstrated that the site can be developed to its full potential, applicants should provide documentary evidence that a genuine and reasonable attempt has been made to purchase the isolated site based on a fair market value.

The proposal excludes three northern lots (14 and 16 Hughes Avenue and 1 Cadman Crescent) within the triangular “island” site. The total site area for the excluded lots is 3,001.02m².

The Applicant contends that the sites are not isolated for the purposes of planning assessment as the excluded lots are capable of development for permissible uses which would deliver a planning uplift in terms of highest and best use either individually or collectively. The following justification is provided:

“The principles of site isolation are discussed below:

Is amalgamation of the sites feasible?

Firstly, where a property will be isolated by a proposed development and that property cannot satisfy the minimum lot requirements then negotiations between the owners of the properties should commence at an early stage and prior to the lodgement of the development application.

Efforts have been made on behalf of the client to purchase the adjoining properties prior to lodgement of the development application. A transcript of communications and valuation report is submitted under a separate cover, demonstrating negotiations had been undertaken.

Secondly, and where no satisfactory result is achieved from the negotiations, the development application should include details of the negotiations between the owners of the properties. These details should include offers to the owner of the isolated property. A reasonable offer, for the purposes of determining the development application and addressing the planning implications of an isolated lot, is to be based on at least one recent independent valuation and may include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property.

The development application includes transcripts of all correspondence and valuations made in relation to the adjoining properties.

Thirdly, the level of negotiation and any offers made for the isolated site are matters that can be given weight in the consideration of the development application. The amount of weight will depend on the level of negotiation, whether any offers are deemed reasonable or unreasonable, any relevant planning requirements and the provisions of s79C of the Environmental Planning and Assessment Act 1979.

Efforts were made to secure all three properties under option, which was unsuccessful on several occasions. Refer to the communications transcript, depicting the correspondence between the client and landowners.

Can orderly and economic use and development of the separate sites be achieved if the amalgamation is not feasible?

The key principle is whether both sites can achieve development that is consistent with the planning controls. If variations to the planning controls would be required, such as non-compliance with a minimum allotment size, will both sites be able to achieve a development of appropriate urban form and with acceptable level of amenity.

The residual lot is capable of delivering orderly and economic use of the land, despite amalgamation not being feasible. The residual lot comprises 1 Cadman Crescent, 14 Hughes Avenue, 16 Hughes Avenue, which provide a total site area of 3,012m² (by title). The size is zoned R4 High Density Residential, has a base FSR of 1.6:1 and a maximum building height of 21m....Individually, each allotment, by operation of Clause 4.1B of the Hills LEP 2012, could achieve uplift through subdivision to 3 or more attached or detached dwellings on land areas greater than 240sqm. Collectively, the residue lot could achieve a significant uplift by way of a residential flat building. The height constraint is 11m. The benefit of joining with the applicant for a re-development of the whole precinct would see a development bonus achieved with development allowable in excess of 11m and this would deliver a superior economic return to those owners.

Pursuant to Clause 9.1 a minimum site area of 3,600m² is required to facilitate residential flat buildings with a building height of 11m or more. The site would therefore not be entitled to pursue a residential flat building with a building height of 11m or more. In our view, the site's ability to meet the prescribed site area under Clause 9.1 should not be an indication of the site's isolation rather, it's ability to achieve a highest and best use outcome.

The site is capable of being developed in accordance with the planning controls and objectives for the site and we maintain that orderly and economic use of land can be pursued. The Concept DA has been designed to maintain compliant building separation and setbacks to the adjoining lot, ensuring the development does not restrict the site's future development potential. It is noted the feasibility studies prepared by MHNDU, attached as an appendix to the valuation report, demonstrate that a residential flat building can readily be achieved on the site to comply with key building separation criteria of the ADG. A future development on the land could seek to achieve a residential flat building greater than 11m by way of a Clause 4.6 variation.

To assist in this assessment, an envelope for the isolated site may be prepared which indicates height, setbacks, resultant site coverage (both building and basement). This should be schematic but of sufficient detail to understand the relationship between the subject application and the isolated site and the likely

impacts the developments will have on each other, particularly solar access and privacy impacts for residential development and the traffic impacts of separate driveways if the development is on the main road.

A building envelope study has been prepared in the architectural plans, which depicts a six storey residential flat building on the site. The residential flat building has been designed to provide compliant building separation in accordance with the ADG in tandem with assumed bespoke envelope controls, including upper level setbacks. The massing prepared demonstrates the site can be developed in a manner that is consistent with the objectives of the zone and could be developed in a manner that meets the desired future character of the area”.

Comment:

Council officers concur with the Applicant's justification that the three northern lots (14 and 16 Hughes Avenue and 1 Cadman Crescent) are not deemed isolated as a result of the subject development proposal. At the pre-lodgement meeting, the Applicant was requested to demonstrate that the excluded lots could be developed to its full potential without variations to the development standards and controls. It is noted that whilst a consolidated site for the excluded lots meet the minimum lot size requirements for a residential flat building with a building height of less than 11m under Clause 9.1 of the LEP, the three lots do not meet the minimum lot size requirement of 3,600m² for a residential flat building with a building height of more than 11m.

Notwithstanding, at its meeting of 28 August 2018, Council resolved to adopt the amendment to Clause 9.7 of The LEP (planning proposal 3/2019/PLP) to enable undersized development sites (<10,000m²) within the Showground Precinct to unlock the incentive Floor Space Ratio standards where sites have been isolated due to the existing lot configuration. Clause 9.7 was amended as follows:

9.7 Residential development yield on certain land

(1) This clause applies to development that involves the erection of one or more buildings containing dwellings on a lot within the Showground Station Precinct but only if—

- (a) the site of the development has an area of at least 10,000 square metres, or*
- (b) the site satisfies one of the following and the consent authority is satisfied that development of the site under this clause will promote the orderly development of the precinct—*
 - (i) the site has an area less than 10,000 square metres only because of the creation of roads,*
 - (ii) the site is isolated and it is not practicable to aggregate lots to achieve a site area of 10,000 square metres because of the existing lot configuration,*
 - (iii) the whole of the rear boundary of the site adjoins land zoned RE1 Public Recreation and the site has a depth of no more than 45 metres from that boundary to the road frontage of the site,*
 - (iv) the site comprises lots 41, 42, 43, 44, 45, 46 and 47, DP 259525.*

The amendment was notified on the NSW legislation website on 24 January 2020 and is now in force (Notification No. 23).

In this regard, the incentive floor space ratio could be applied for a residential flat building with an anticipated building height exceeding 11m on a consolidated site for the excluded lots. This would be assessed under a future development application. It is noted that the Design Review Panel acknowledged that these excluded lots were able to be developed

independently of the subject proposal and that the change in architectural expression by a different team could provide architectural diversity in the streetscape.

The subject concept Development Application does not result in the isolation of sites as the excluded lots can be developed to its full potential without variations to the development standards and controls and orderly development can be achieved.

6. Issues Raised in Submissions

The application was notified on two occasions. Five submissions were received from adjoining property owners during the first notification period. The second notification was in response to the submission of amended plans from the applicant which resulted in a significant reduction in height and apartment yield. Two submissions were received during the second notification period from previous objectors during the initial notification period and no further concerns were raised. In summary the objections raised during the notification periods are as follows:

ISSUE/OBJECTION	COMMENT	OUTCOME
Concerns are raised regarding the excessive height of the original proposal (over 30m). It was suggested that the buildings fronting Cadman Crescent East (Buildings B and D) be reduced in height to fit in with the R3 Medium Density zone on the opposite side of the street.	<p>The original concept proposal included eight storey building envelopes with a maximum height of 31.2m (48.57% variation to the 21m height standard). The proposal has been amended on several occasions and now comprises four to seven storey building envelopes with a maximum height of 23.85m (13.56% variation to the height standard).</p> <p>Building A has been reduced to seven storeys (originally 8 storeys), Building D has been reduced to five storeys (originally eight storeys) and Building E has been reduced to six storeys (originally seven storeys). Whilst Building B has a maximum height of seven storeys, the building has been stepped back with a 3m upper level setback to the fourth storey podium and a further setback to the upper level podium resulting in a maximum six storey built form fronting the east. Building C remains four storeys in height. It is assessed that the proposal provides for a sympathetic transition to the adjoining R3 Medium Density Residential zone to the north/east.</p>	Issue addressed.
The increase in density would exacerbate the existing issue of insufficient street parking.	The site is located within the Showground Station Precinct and was rezoned from R2 Low Density Residential to R4 High Density Residential by the NSW Department of Planning and Environment as part of the Sydney Metro Northwest Urban Renewal Corridor program. The proposed FSR of 2.1:1 complies with the maximum FSR of 2.3:1 permitted on the site. In this regard, the number of dwellings proposed (228) is consistent with that of the standards in the	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
	<p>planning instrument.</p> <p>The site is located 700m from the Showground Railway Station and bus services are available within walking distance on Middleton Ave/Parsonage Road (Route 604 from Dural to Parramatta), Carrington Road (Routes 601, 610N, 626, 633 and 651 to Rouse Hill Station, City QVB, Pennant Hills and Epping), Showground Road (Routes 604, 610N, 626, 651 and 660) to Parramatta, City QVB, Pennant Hills and Epping). As the proposal is within walking distance (approximately 8 mins) to the Showground Station and bus services, it is envisaged that a large proportion of future residents would use public transport.</p> <p>The proposal includes 2m wide land dedication for road widening along Cadman Crescent North and East which would facilitate street parking whilst maintaining adequate width for two-way traffic flow. Sufficient onsite parking has been provided in accordance with LEP 2012 and the THDCP 2012.</p>	
<p>Existing roads will not be able to cope with the increased traffic generated by the number of apartments proposed and traffic flows would be detrimentally impacted.</p>	<p>The site is within the Showground Station Precinct which is part of the Sydney Metro Northwest Urban Renewal Corridor program. The traffic and transport network within the Showground Precinct will be subject to a number of major improvements as part of the delivery of the Sydney Metro Northwest by The NSW Government.</p> <p>Transport for NSW and UrbanGrowth NSW will provide for new local and collector roads within the precinct (including roads within the station site and proposed new local roads within residential and commercial areas identified within the Showground Priority Precinct Development Control Plan), and intersection upgrades and signals at the intersections of Showground Road and Carrington Road; Showground Road and Victoria Road and Windsor Road and Showground Road.</p> <p>Transport infrastructure will also be provided by Council under the Contributions Plan No. 19 Showground Station Precinct and by future individual developers within the precinct as identified in the Part D</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
	Section 19 Showground DCP. The subject proposal provides 2m wide land dedication and road widening along two frontages. This would maintain adequate width for two-way traffic flows.	
Traffic Safety at the bend of Cadman Crescent and Hughes Avenue.	The subject proposal is for a concept Development application. The Applicant will be required to provide calculations showing sufficient sight distance for vehicles exiting the proposed vehicular crossing as part of subsequent built form Development Application.	Issue addressed.
Developments closer to the station should be built before developments located further away in existing residential areas.	This cannot be enforced by Council. Land owners have the right to develop their land in their own timing.	Issue addressed.
Overshadowing impacts to the adjacent properties on Cadman Crescent east.	Shadow diagrams were submitted with the Development Application. The diagrams indicate that at least 4 hours of solar access would be provided to all adjoining landscape open space areas on 21 June which complies with the requirements of the DCP.	Issue addressed.
Implications of change in demographics i.e. replacing 15 “mature families” with 255 “much younger families” requiring jobs and schools.	Larger family friendly sized apartments have been provided for the proposal in accordance with Clause 9.7 of LEP 2012. The proposal is consistent with the desired future character of the area as envisaged under the Showground Station Precinct DCP and Council’s LEP. The Department of Planning and Environment and Council are undergoing further precinct planning to provide for the required jobs and schools within the precinct. It is noted that the Showground Station Precinct is located directly east of the Norwest Business Park which has been identified as a Strategic Centre and employment hub in the Central City Plan and Sydney Region Plan.	Issue addressed.
Lack of recreational and parkland facilities for younger families.	Additional active and passive open space facilities would be provided for the increased population under the Contributions Plan No. 19 Showground Station Precinct. It is noted that the Contributions Plan includes the expansion and embellishment of Chapman Reserve from 1,900m ² to approximately 6,280m ² , the revitalisation of the Cattai Creek Corridor including acquisition of land within the corridor, a village plaza with a minimum area of 1,150m ² within the Showground Station site, embellishment of the existing Castle Hill Showground and Cockayne	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
	Reserve. It is also noted that the Showground Precinct is in close proximity to existing open space facilities such as Fred Caterson Reserve and Castle Glen Reserve which are also subject to upgrade works under the Contributions Plan.	
Impacts and preferred use of the three adjacent properties at 1 Cadman Crescent, 14 and 16 Hughes Avenue which are not included as part of the proposal. Can an incentive FSR be applied to these remaining lots?	The three adjacent properties have a consolidated site area of 3,001.02m ² . Collectively, the site could accommodate a residential flat building (up to 11 storeys) under Clause 9.1 of the LEP. On 24 January 2020, Clause 9.7 of the LEP was amended to allow an incentive FSR to be applied to residential buildings on a lot that is less than 10,000m ² because of creation of roads and the consent authority is satisfied that the development will promote the orderly development of the precinct. As these lots are excluded from the subject Development Application, a future Development Application would be required to be lodged. The merits of the above standards and relevant controls will be considered under this new Development Application.	Issue addressed.
Noise and disruption during construction for local residents.	This proposal is only for a concept Development Application and no built form is proposed. Subsequent built form applications would be required to be lodged with Council which would consider impacts with regard to noise and amenity to adjoining properties. If consent is granted to these applications, standard conditions would be recommended in the consent requiring minimal disruption to local residents during the construction of the development.	Issue addressed.

SUBDIVISION ENGINEERING COMMENTS

No objections were raised to the concept proposal however Council's Principal Subdivision Co-ordinator noted that a number of items were required to be resolved in subsequent built form Development Applications such as stormwater treatment measures, on site detention details, no road dedication required along Hughes Avenue, the requirement of a subdivision works concept plan relating to the indented parking bays and associated public domain works, off-street parking details, vehicular access and driveway details and interface issues between proposed development and existing properties.

TREE MANAGEMENT COMMENTS

No objections raised to the concept proposal subject to a condition requesting the indented parking bays within the 2m land dedication for road widening purposes along Cadman Crescent be amended in accordance with the Showground Precinct Verge Treatment Details (refer condition No. 1).

HEALTH & ENVIRONMENTAL PROTECTION COMMENTS

No objections raised to the concept proposal.

RESOURCE RECOVERY COMMENTS

No objections raised to the concept proposal, however Council's Resource and Recovery Section have recommended a number of requirements for future built form Development Applications (refer condition No. 11).

TRAFFIC MANAGEMENT COMMENTS

No objections raised to the concept proposal.

NSW POLICE COMMENTS

The proposal was referred to the NSW Police. No objections were raised to the concept proposal, subject to conditions (refer condition No. 13). All future built form Development Applications will be required to be referred to the NSW Police for comment.

CONCLUSION

The proposal has been assessed having regard to the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979, SEPP 65, SEPP 55, LEP 2012 and The Hills Development Control Plan and is considered satisfactory.

The variation to the LEP Height development standard is addressed in the report and is considered satisfactory.

In relation to the Clause 4.6 written submission, it is considered that the Applicant's request is well founded, and the proposed variation results a development that is consistent with the relevant objectives, and compliance with the standard are unnecessary in this instance, and the proposal results in a superior urban design and planning outcome as outlined in this report.

The issues raised in the submissions have been addressed in the report and do not warrant refusal of the application.

Accordingly, approval subject to conditions is recommended.

IMPACTS:

Financial

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

The Hills Future - Community Strategic Plan

The proposed development is consistent with the planning principles, vision and objectives outlined within "Hills 2026 – Looking Towards the Future" as the proposed development provides for satisfactory urban growth without adverse environmental or social amenity impacts and ensures a consistent built form is provided with respect to the streetscape and general locality.

RECOMMENDATION

The Development Application be approved subject to the following conditions.

GENERAL MATTERS

1. Development in Accordance with Submitted Plans (as amended)

The development being carried out in accordance with the approved plans and details submitted to Council, as amended in red, stamped and returned with this consent.

The amendments in red include: -

- The indented parking bays within the 2m land dedication for road widening purposes along Cadman Crescent must be amended in accordance with the Showground Precinct - Verge Treatment Details Sheet 01 – Sheet 06 as specified on Council's website.
- No trees have been approved for removal under the subject Development Application.
- The Stage 1 - Architectural Design Report and Landscape Plans are conceptual only and only to be used as a design guide. Detailed designs including layouts of apartments are subject to future built form Development Applications.

REFERENCED PLANS AND DOCUMENTS

DRAWING NO	DESCRIPTION	SHEET	REVISION	DATE
MP 1001	Masterplan – Land Dedications and Setbacks		D	17/12/2019
MP 1002	Masterplan – Building Envelopes		D	17/12/2019
MP 1003	Deep Soil Areas		D	17/12/2019
MP 1004	Street Elevations		D	17/12/2019
MP 1005	Sections		D	17/12/2019
	Architectural Design Report – Stage 1 DA Cadman Crescent Castle Hill prepared by MHN Design Union		D	17/12/2019
	Landscape Stage 1 DA Report prepared by Turf Design Studio		A	20/12/2019

No work (including excavation, land fill or earth reshaping) shall be undertaken prior to the issue of the Construction Certificate, where a Construction Certificate is required.

2. Determination of Future Development Applications

Approval is granted for the proposed Concept Development Application in accordance with the plans and details provided with the application to provide guidance for future development of the site. In accordance with section 4.22(1) of the Environmental Planning and Assessment Act all development under the concept development application shall be subject of future development application(s). The determination of future development application(s) are to be generally consistent with the terms of the subject development consent.

3. Dwelling Yield

The maximum dwelling yield for the site is not to exceed 228 units.

4. Communal Open Space

All future development applications for new buildings or works must comply with the following requirements:

- A minimum of 3,780.1m² (ground level) and 688.78m² (roof level) central communal open space area is to be provided for the entire site.

- Community facilities such as children's play areas are to be provided within the communal open space.

5. Contamination

The recommendations of the Preliminary Site Investigation prepared by Douglas Partners, Document Number R.001.Rev 1 Project Number 86559.01 dated 17 January 2019/2017 is to be implemented. Any future built form Development Applications will require the submission of a further Phase 1 Contamination Report including soil sampling, further assessment of past land uses including later historical aerial photographs, historical land tiles and Safe Work NSW records and a more thorough site walkover be undertaken to confirm (or otherwise) that this is an absence of contamination. In addition, a hazardous building materials survey is to be conducted prior to any demolition works.

6. Acoustic Requirements

Site specific acoustic assessments are to be submitted for every built form Development Application. The acoustic assessment is to address internal noise levels, mechanical plant and construction noise management.

7. Land Dedication

2m land dedication is required for road widening purposes along Cadman Crescent east and north in accordance with Figure 10 with Council DCP Part D Section 19. No land dedication is required along Hughes Avenue. This is required to be conditioned in the first built form Development Application lodged for the site.

8. Subdivision Works

A subdivision works concept plan relating to the indented parking bays and associated public domain works must be prepared and submitted in support of any future built form Development Application.

9. Stormwater Drainage

Any future Development Application for built form or any works must provide the following:

- Stormwater treatment measures in accordance with Councils Design Guidelines Subdivision/Developments and Showground Precinct DCP and this must be supported with modelling (MUSIC).
- Onsite detention in accordance with Upper Parramatta River Catchment Trust V3 or V4 and The Hills Shire Council Design Guidelines Subdivision/Developments.

10. Accessible Units

10% of all dwellings units are to be adaptable or accessible.

11. Waste Management

All future built form applications must be accompanied by a construction and operational waste management plan. Built form designs are subject to a further detailed assessment. The built form designs must be generally in accordance with the details provided in the Concept Development Application and the following requirements:

- Future waste collection for the site is to be serviced by a 12.5m long Heavy Rigid Vehicle.
- A minimum of 120 litres of garbage capacity per unit per a weekly collection and 60 litres of recycling capacity per unit per a weekly collection would need to be allowed for. Garbage and recyclables will be collected in 1100 litre bins. The measurements of an 1100 litre bin are 1245mm (d), 1370mm (w) and 1470mm (h).

- Twin chutes systems must be proposed to enable chute disposal of garbage and recycling for a development of this height and density. Chute openings must be provided on every residential floor level within building corridors. The chutes must terminate in bin storage rooms located on lower ground (same level as loading dock).
- Bin storage rooms must contain appropriate infrastructure (e.g. linear conveyors and bin carousels) to ensure that there is enough bin capacity at the termination point of all chutes for at least 2 days' worth of garbage and recycling. For a proposal of this scale, garbage must be compacted at the chute termination points at a ratio of 2:1.

12. Vehicular Access and Car Parking

Vehicular Access for the entire development is to be provided via a single driveway on Hughes Avenue. The driveway is to be setback at least 6m from the tangent point at the intersection between Cadman Crescent/Hughes Avenue.

13. Crime Prevention Through Environmental Design

All future built form applications must comply with the recommendations made by the NSW Police in letter dated 28 February 2019 and attached to this development consent (Attachment 1) and in the Crime Prevention Through Environmental Design Report prepared by Mecone submitted with the subject Concept Development Application.

14. Section 7.11 Contributions

All future built form Development Applications must be levied in accordance with Contributions Plan No. 19 Showground Station Precinct and Section 7.11 of the Environmental Planning and Assessment Act 1979, to provide for the increased demand for public amenities and services resulting from the development.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. LEP Zoning Map
4. LEP Height of Buildings Map
5. LEP FSR (Base) Map
6. LEP FSR (Incentive) Map
7. Site Plan
8. Building Envelopes Plan
9. Land Dedications and Setbacks Plan
10. Deep Soil Area Diagram
11. Street Elevations
12. Sections
13. Landscape Plan
14. Shadow Diagrams
15. Aerial Perspective from Cadman Crescent East
16. Perspective from Corner Hughes Ave/Cadman Crescent East
17. Perspective from Corner Cadman Crescent East to Upper Courtyard Connection
18. Perspective from Corner Cadman Crescent North and East
19. Clause 4.6 Written Submission
20. Design Review Panel Minutes
21. NSW Police Referral Comments

ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED

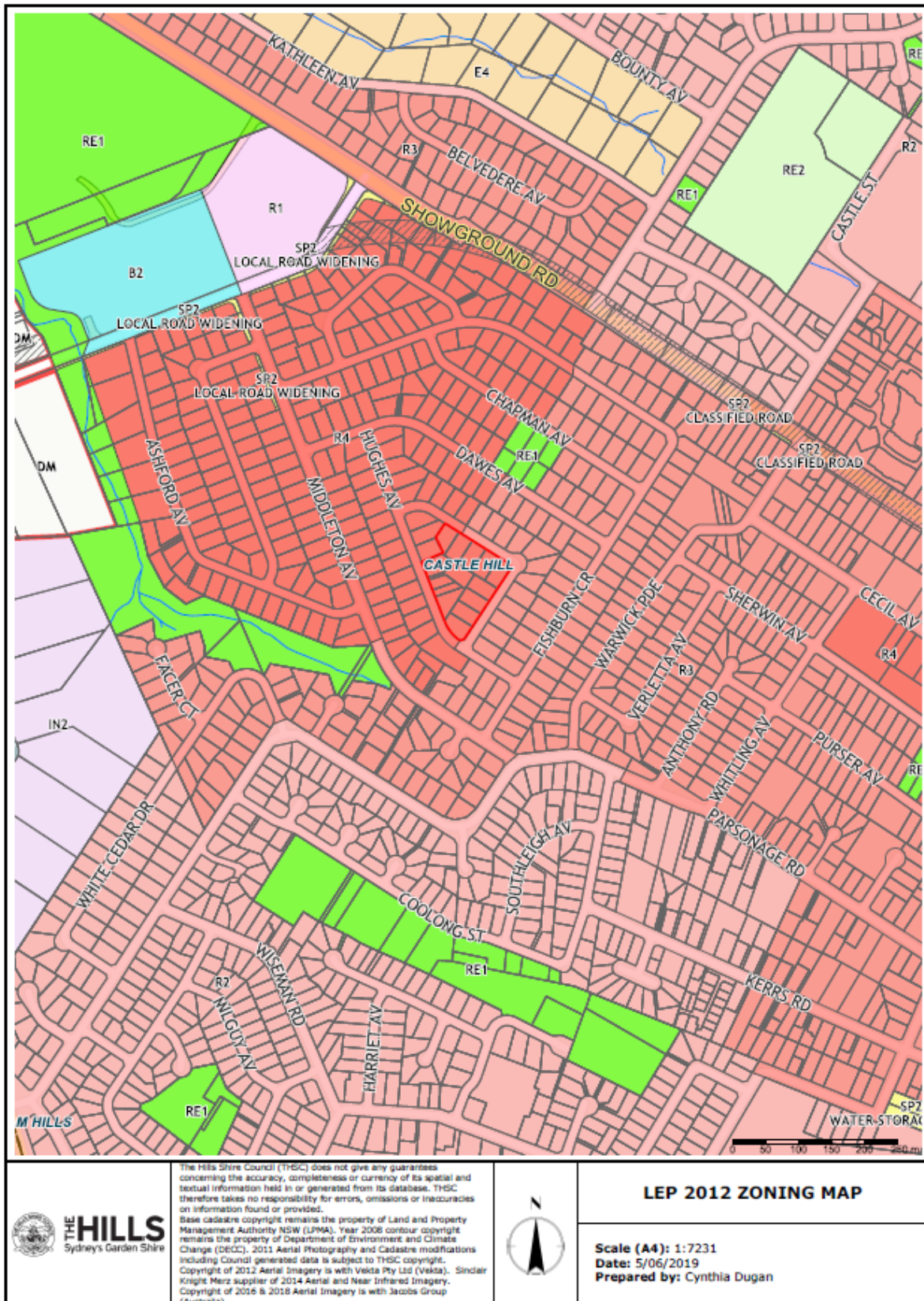
- SUBMISSIONS RECEIVED - 1ST NOTIFICATION
- ▲ SUBMISSIONS RECEIVED - 2ND NOTIFICATION

THE HILLS
Sydney's Garden Shire

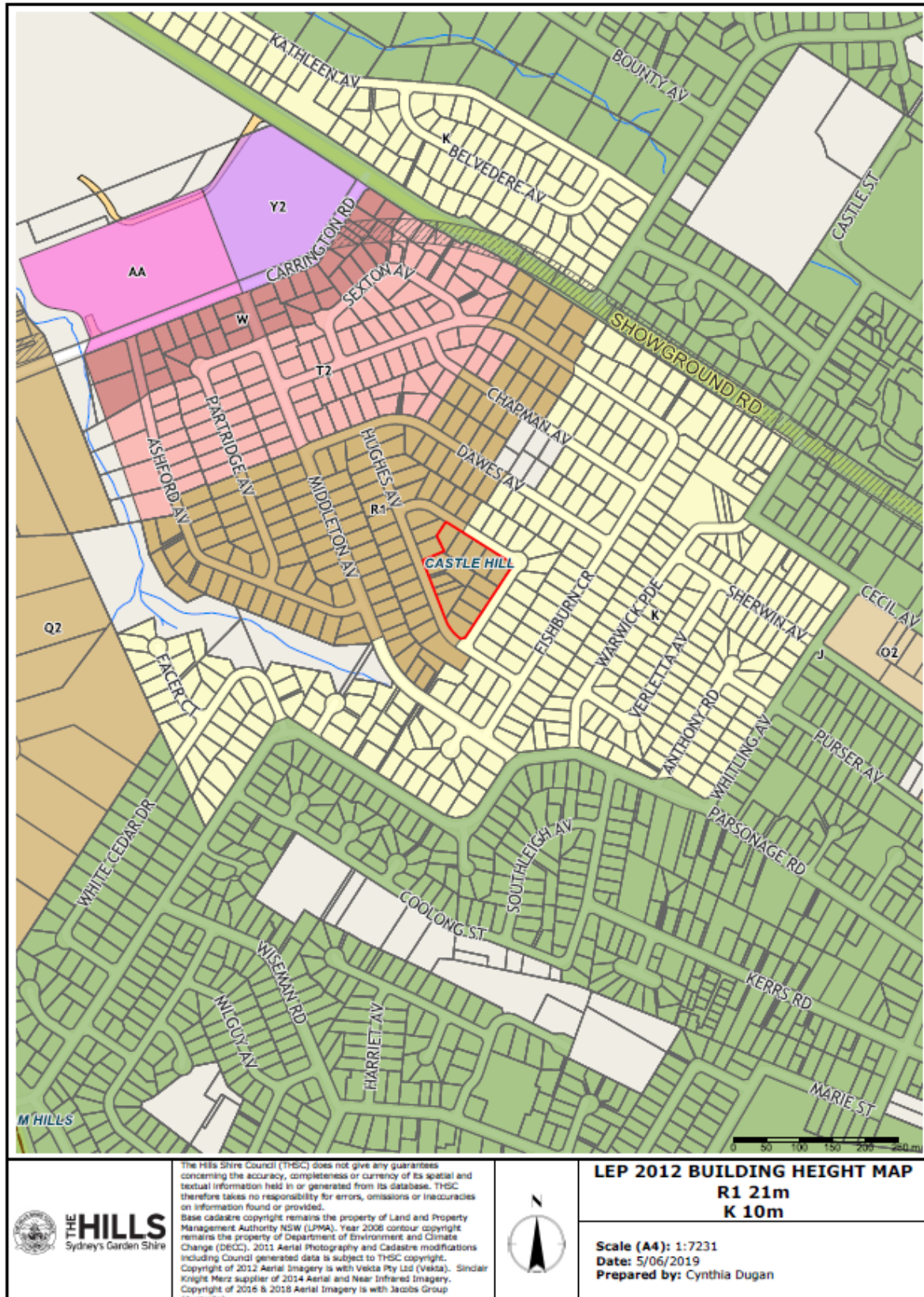
THE HILLS SHIRE COUNCIL

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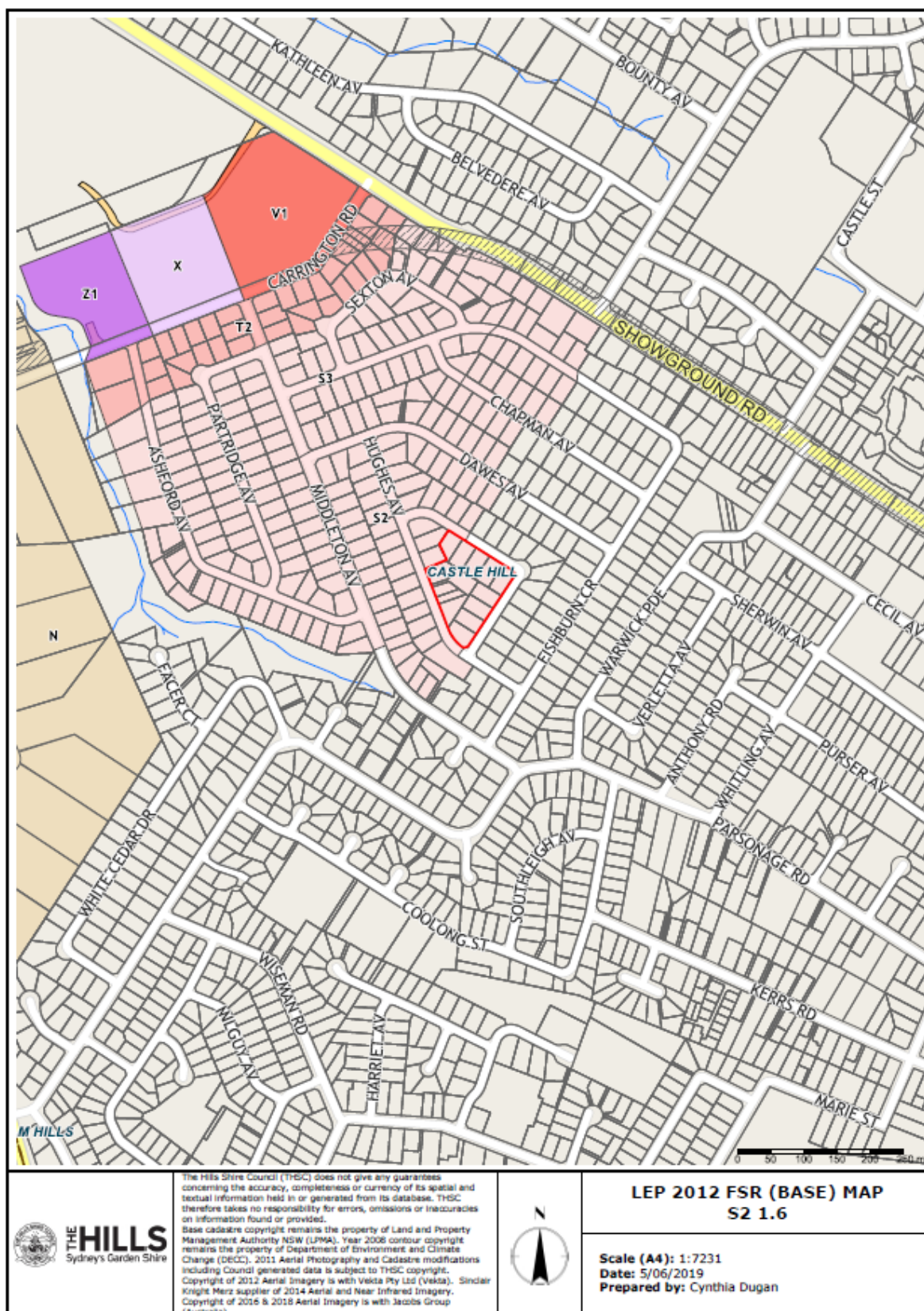
ATTACHMENT 3 – LEP ZONING MAP



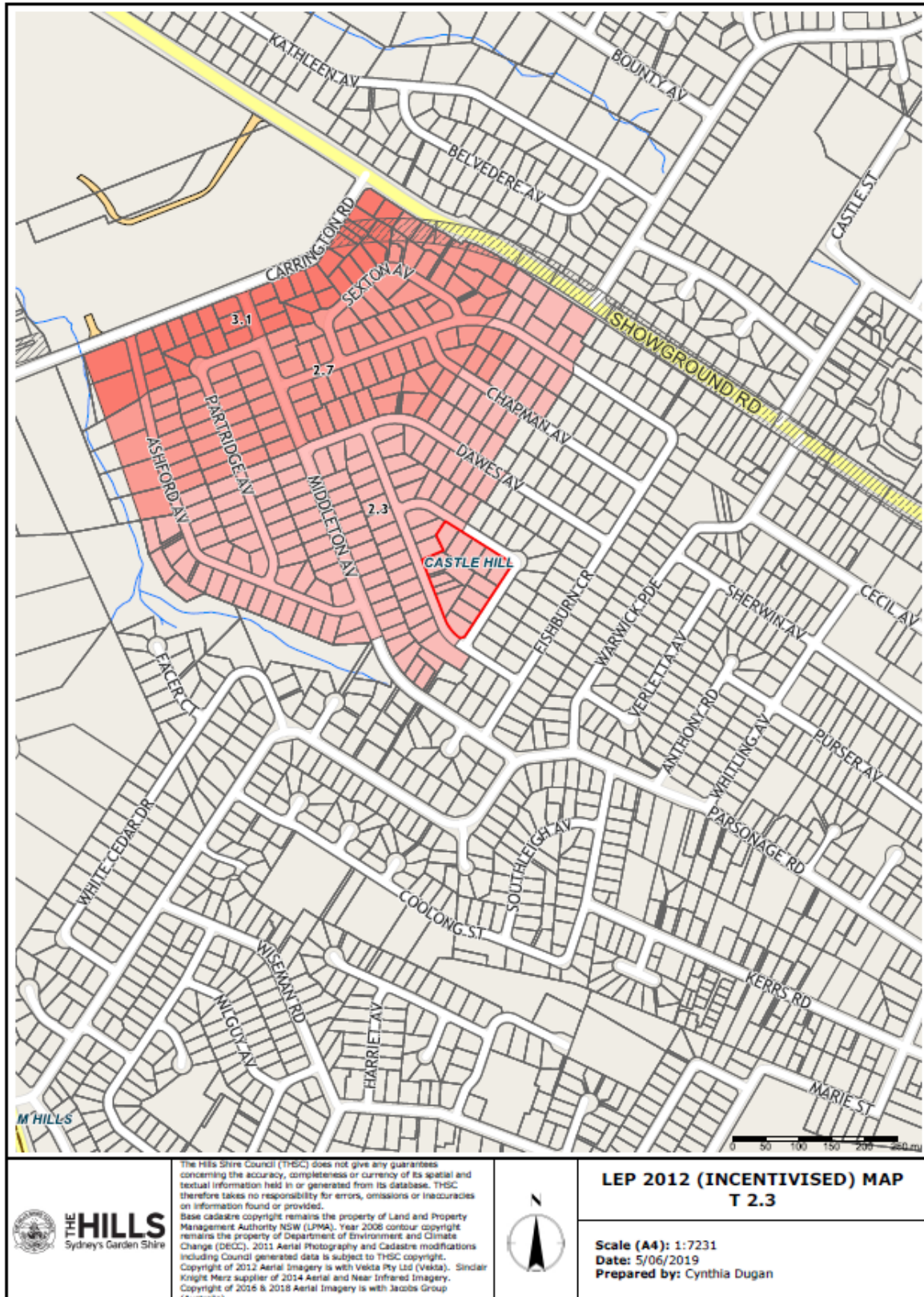
ATTACHMENT 4 – LEP HEIGHT OF BUILDINGS MAP



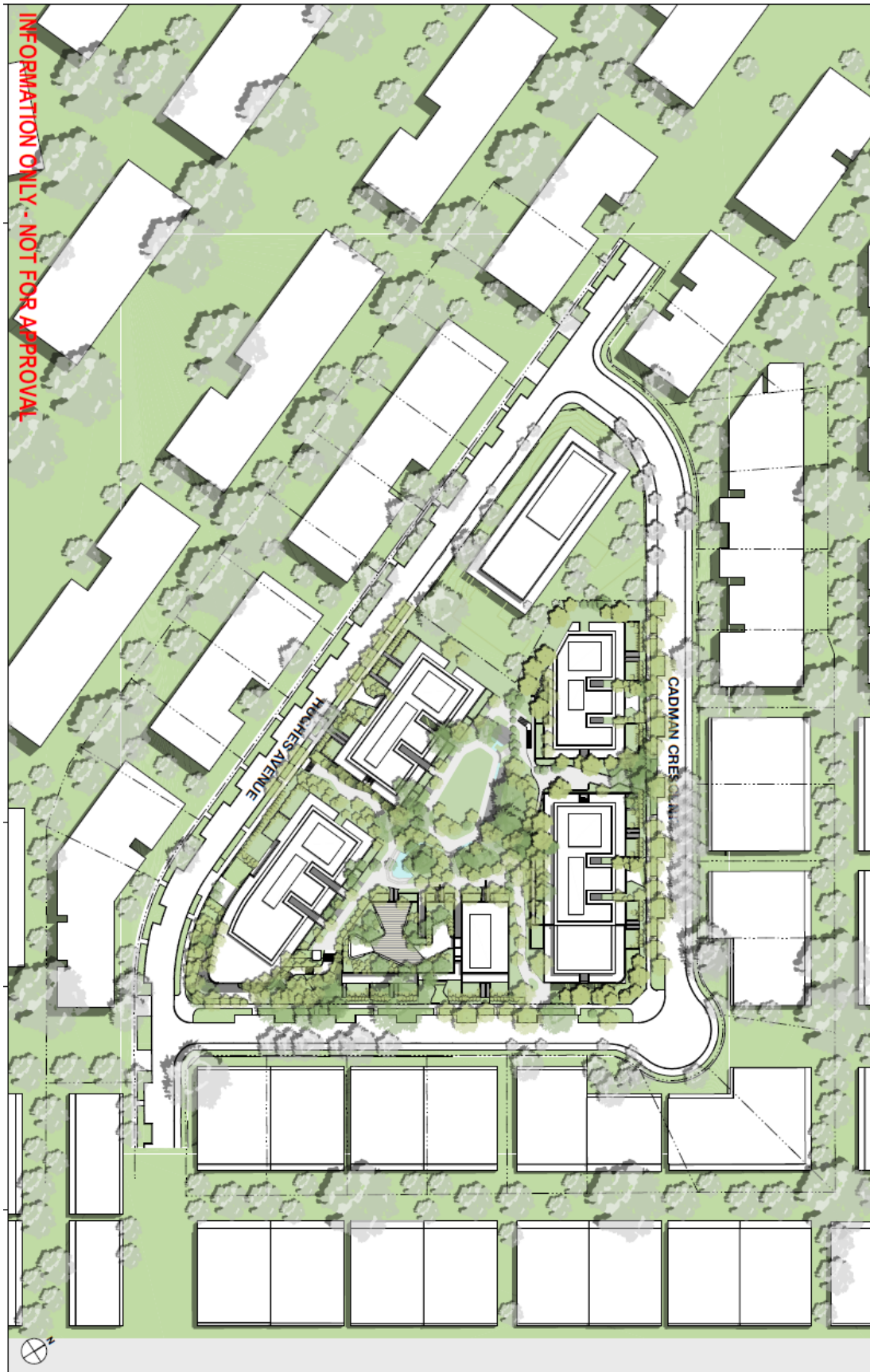
ATTACHMENT 5 – LEP FSR (BASE) MAP



ATTACHMENT 6 – LEP FSR (INCENTIVE) MAP



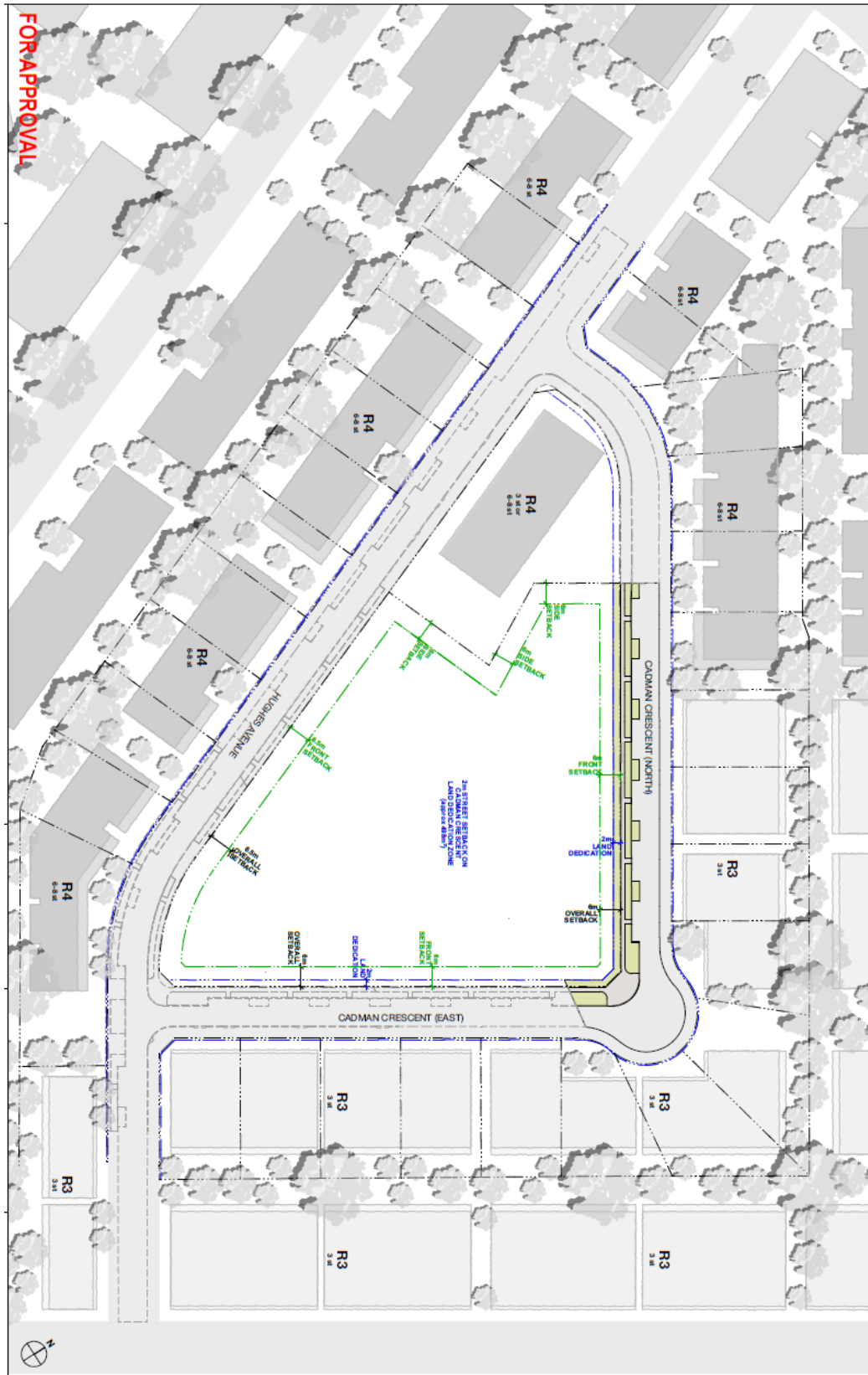
ATTACHMENT 7 – SITE PLAN



ATTACHMENT 8 – BUILDING ENVELOPES



ATTACHMENT 9 – LAND DEDICATIONS AND SETBACKS



ATTACHMENT 10 – DEEP SOIL AREAS



EXISTING BOUNDARY LINE

BUILT FORM SETBACK

MAX HEIGHT 21.43m

STORMS

Bd E

MAX HEIGHT 22.69m

MAX HEIGHT 23.85m

MAX HEIGHT 22.19m

BUILT FORM SETBACK

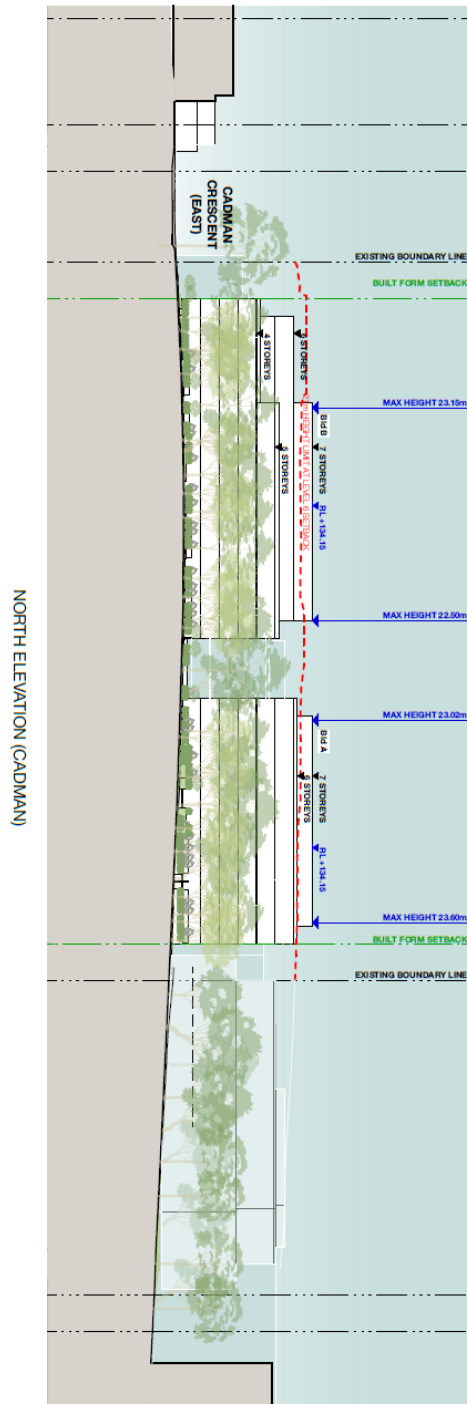
EXISTING BOUNDARY LINE

CADMAN CRESCENT

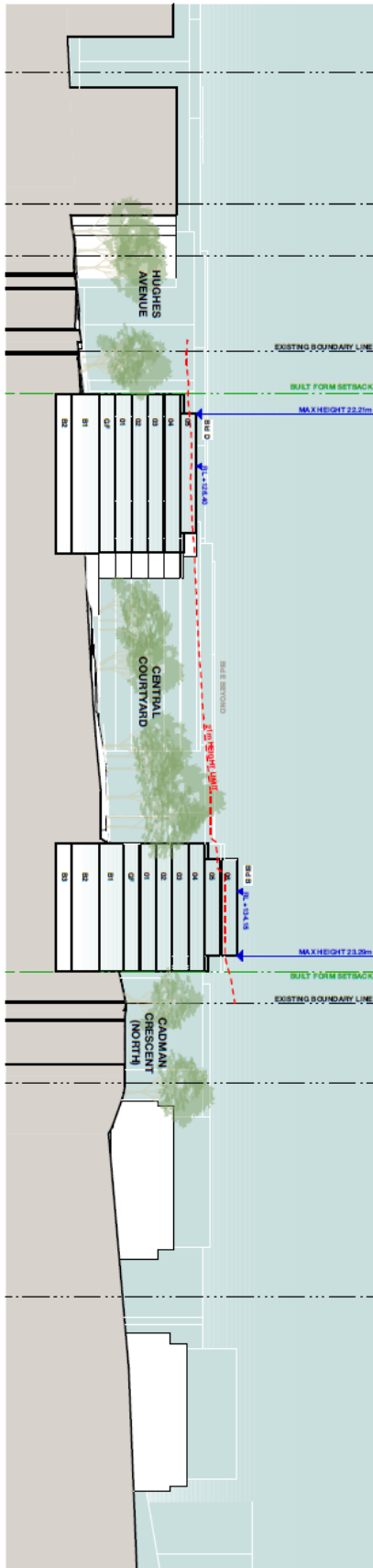
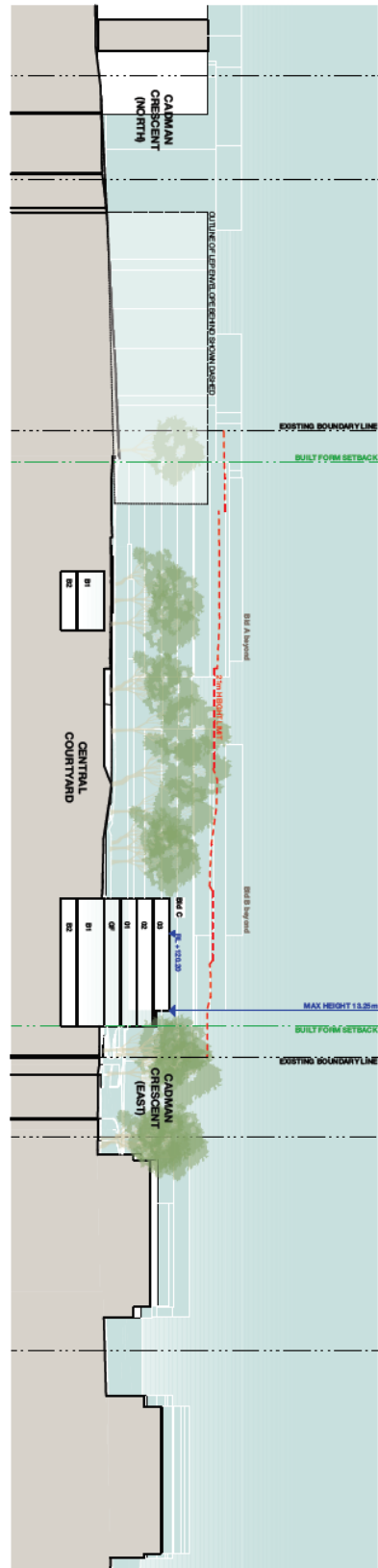
GP EXPOSURE

EAST ELEVATION (CADMAN)

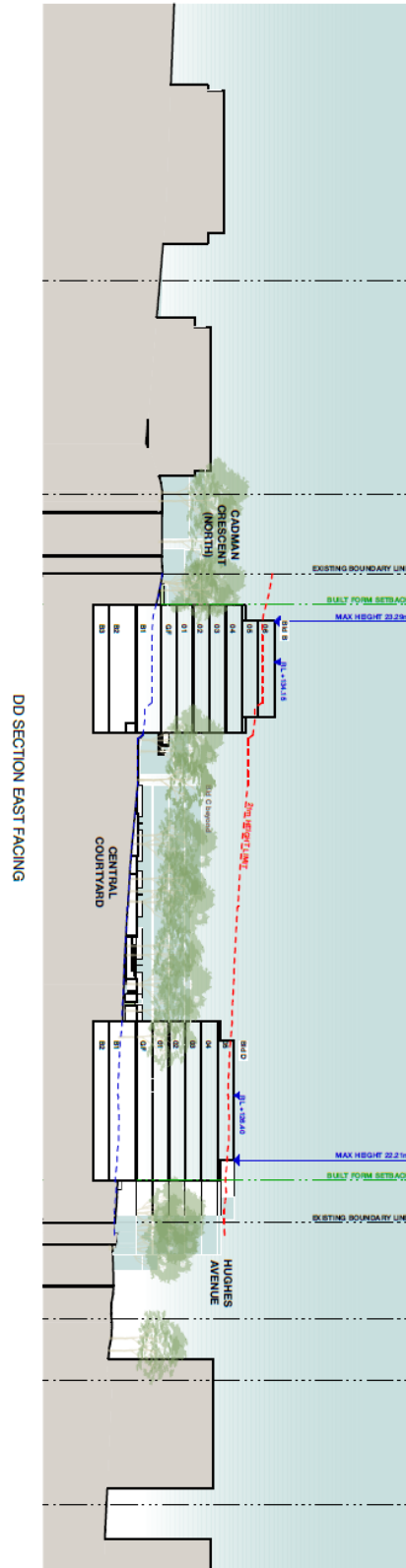
ATTACHMENT 11 – STREET ELEVATIONS



ATTACHMENT 12 – SECTIONS



ATTACHMENT 12 – SECTIONS



LANDSCAPE PLAN



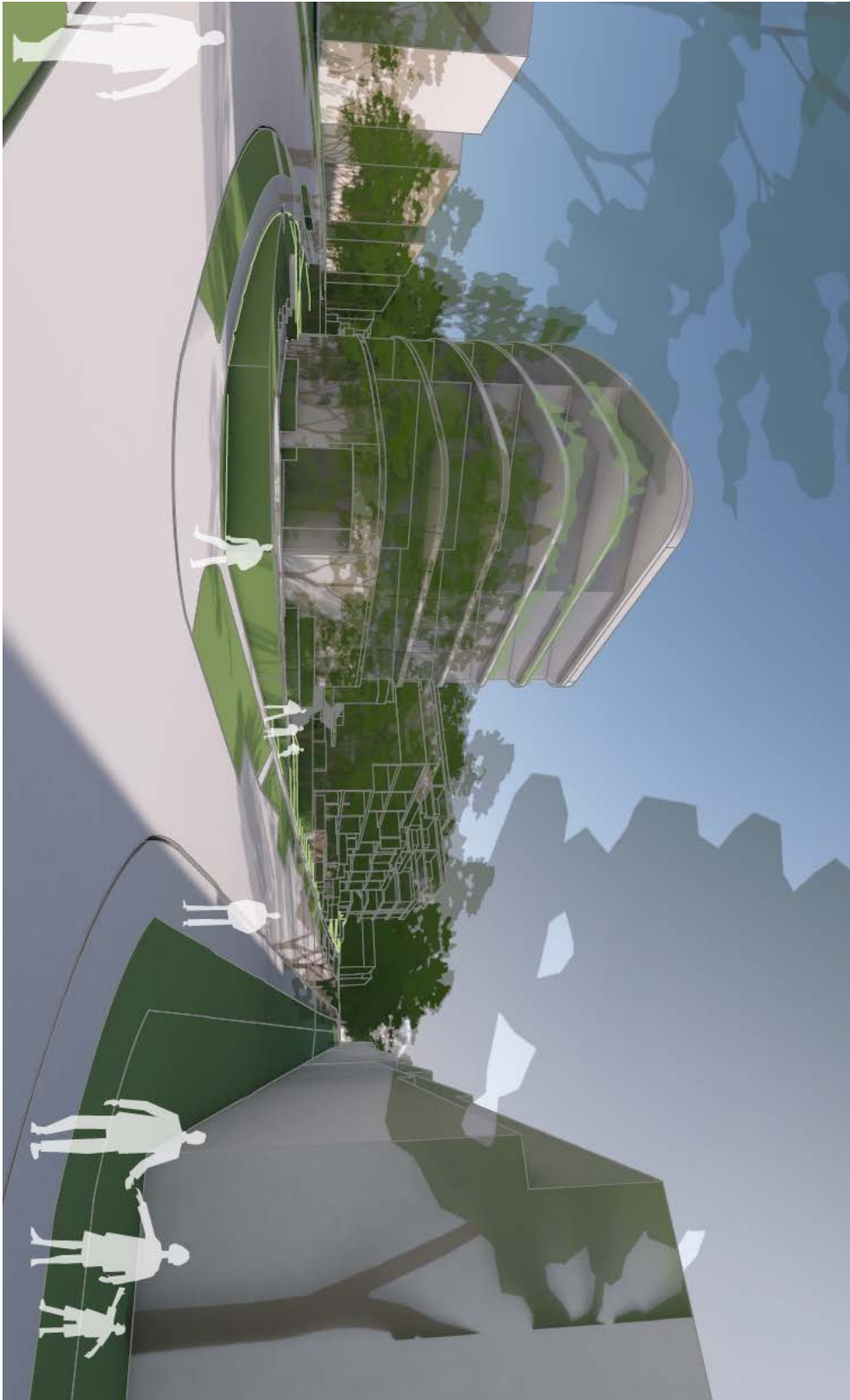
ATTACHMENT 14 – SHADOW DIAGRAMS



ATTACHMENT 15 – AERIAL PERSPECTIVE FROM CADMAN CRES EAST



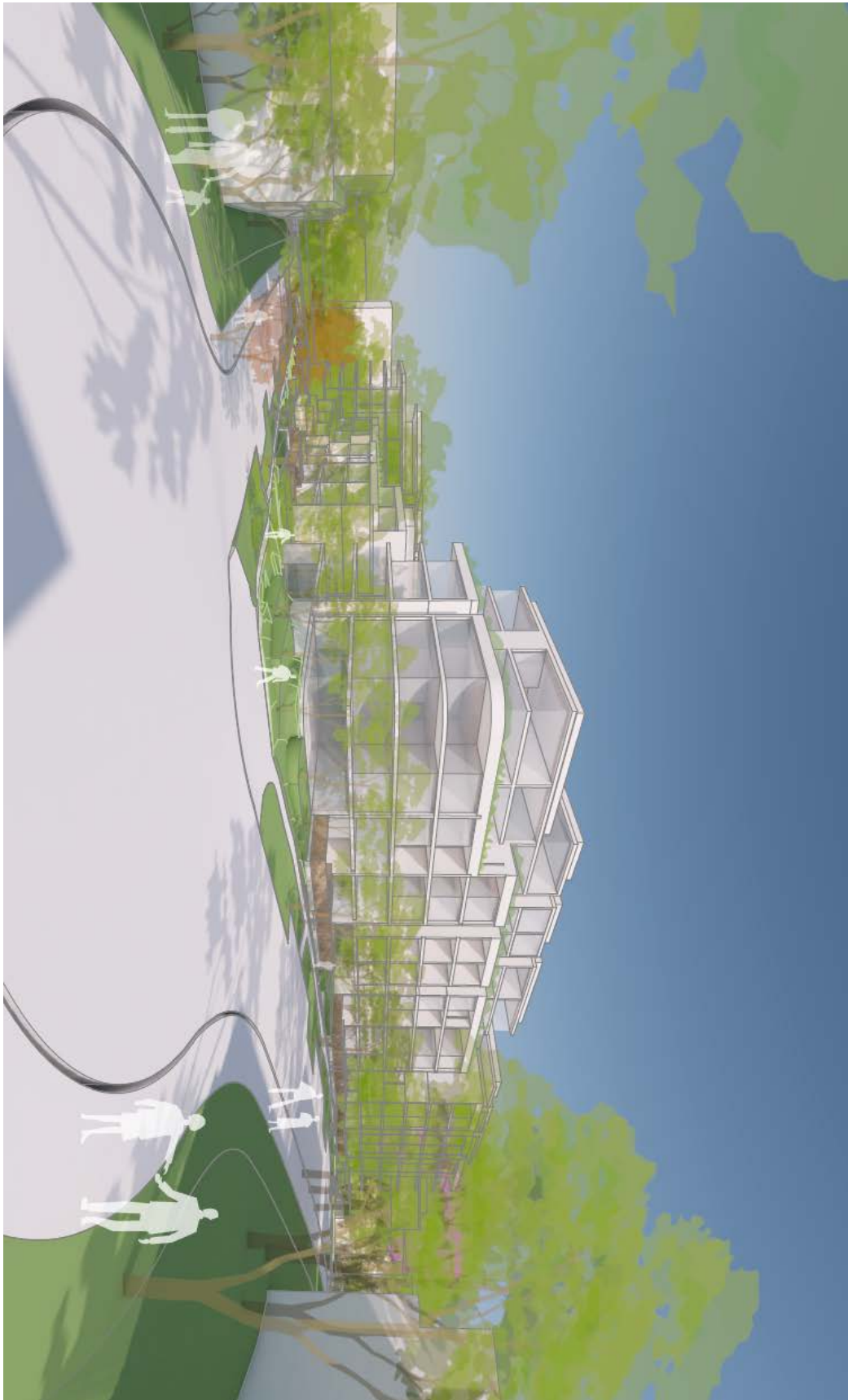
ATTACHMENT 16 – PERSPECTIVE – CORNER HUGHES AVE / CADMAN CRES EAST



**ATTACHMENT 17 – PERSPECTIVE – CORNER CADMAN CRES EAST TO UPPER
COURTYARD CONNECTION**



ATTACHMENT 18 – PERSPECTIVE – CORNER CADMAN CRES NORTH & EAST



7-23 Cadman Crescent and 18-24 Hughes Avenue, Castle Hill

Clause 4.6 Variation to Height of Buildings

On behalf of
Castle Hill Panorama Pty Ltd



1 Introduction

This Clause 4.6 variation has been prepared by Mecone on behalf of Castle Hill Panorama Pty Ltd in relation to a Concept Development Application (DA) at 7-23 Cadman Crescent and 18-24 Hughes Avenue, Castle Hill.

The Concept DA will facilitate the following:

- Five residential flat buildings;
- Building heights ranging from four to seven storeys;
- Land dedications to widen existing streets; and
- Landscaping and public domain treatments to improve the quality and character of the streetscape.

This Clause 4.6 variation relates to the Height of Building control in The Hills Local Environmental Plan (HLEP) 2012. Specifically:

- Clause 4.3 – Height of Buildings.

The Concept DA provides a maximum building height of 23.85m at its greatest, which represents an additional 2.85m above the permitted height control of 21m.

We note since lodgement of the application, the scheme has undergone a series of amendments through an iterative process with Council and the Design Review Panel.

Originally, the DA was lodged with a height variation of 48.57%, which was then reduced to 36.9%. The resolved scheme has undergone detailed interrogation and testing to deliver a height variation of only 13.57%.

We note approximately 5.4% of the total floor area volume is located within the non-complaint area.

2 Clause 4.6 Exceptions to Development Standards

Clause 4.6 of the HLEP 2012 enables an exception to the height standard upon consideration of a written request from the applicant justifying the contravention in the terms stated below.

Clause 4.6 requires that a consent authority be satisfied of three matters before granting consent to a development that contravenes a development standard:

- That the applicant has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case;
- That the applicant has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard; and
- That the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

The consent authority's satisfaction as to those matters must be informed by the objectives, which are:

1. to provide flexibility in the application of the relevant control; and
2. to achieve better outcomes for and from development.

The Land and Environment Court has established questions to be addressed in variations to developments standards lodged under *State Environmental Planning Policy 1 – Development Standards* (SEPP 1) through the judgment of Justice Lloyd, in *Winten Property Group Ltd v North Sydney Council* [2001] 130 LGERA 79 at 89. The test was later rephrased by Chief Justice Preston, in the decision of *Wehbe v Pittwater Council* [2007] NSW LEC 827 (Wehbe).

An additional principle was established in the decision by Commissioner Pearson in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009 (Four2Five) which was upheld by Pain J on appeal. A further recent judgement by Preston in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 clarified the correct approach to Clause 4.6 variation requests, including that:

"The requirement in cl 4.6(3)(b) is that there are sufficient environmental planning grounds to justify contravening the development standard, not that the development that contravenes the development standard have a better environmental planning outcome than a development that complies with the development standard." [88]

How these tests and considerations are applied to the assessment of variations under Clause 4.6 of the LEP and other standard LEP instruments has most recently been confirmed in the judgement of Justice Preston, in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSW LEC 118.

Accordingly, this Clause 4.6 variation request is set out using the relevant principles established by the Court.

Clause 4.6 of HELP 2012 reads as follows:

Clause 4.6 Exceptions to development standards

(1) *The objectives of this clause are as follows:*

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

(2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

(3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

(4) *Development consent must not be granted for development that contravenes a development standard unless:*

- (a) *the consent authority is satisfied that:*

- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - (b) the concurrence of the Secretary has been obtained.
- (5) In deciding whether to grant concurrence, the Secretary must consider:
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:
- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following:
- (a) a development standard for complying development,
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
 - (c) clause 5.4,
 - (ca) clause 6.1 or 6.2,
 - (cb) clause 7.12.

3 The Development Standard to be varied

The development standard to be varied is Clause 4.3 Height of Buildings (HoB) in HLEP 2012. As identified on the HLEP 2012 HoB Map, the site has a maximum height of buildings of 21m.

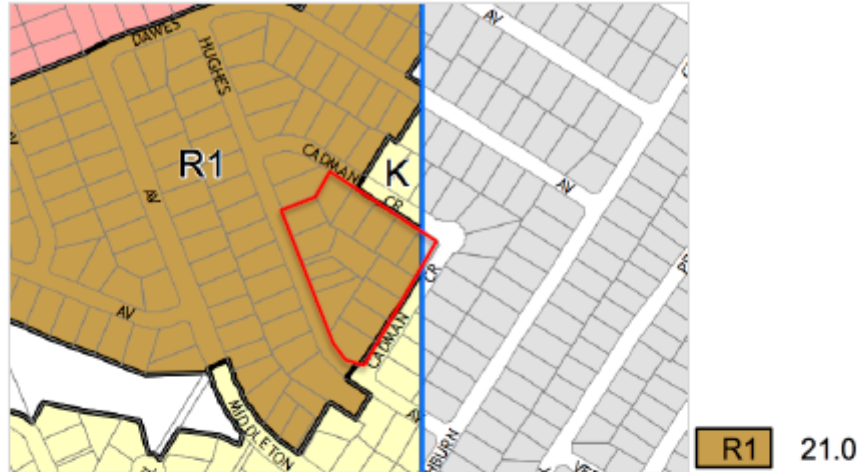


Figure 1: Height of Buildings – LEP Map Extract

Source: HLEP 2012

4 Extent of Variation to the Development Standard

The proposal is divided into five building envelopes including Buildings A, B, C, D and E. Refer to the proposed building layout below.



Figure 2: Building Layout

Source: MHNDU

The proposed development exceeds the maximum height control at various locations across the five building envelopes, with the greatest variation of height being 23.85 above ground level at Building D.

This represents a variation of 2.85 or 13.57%. Refer to Figure 3 – 5.

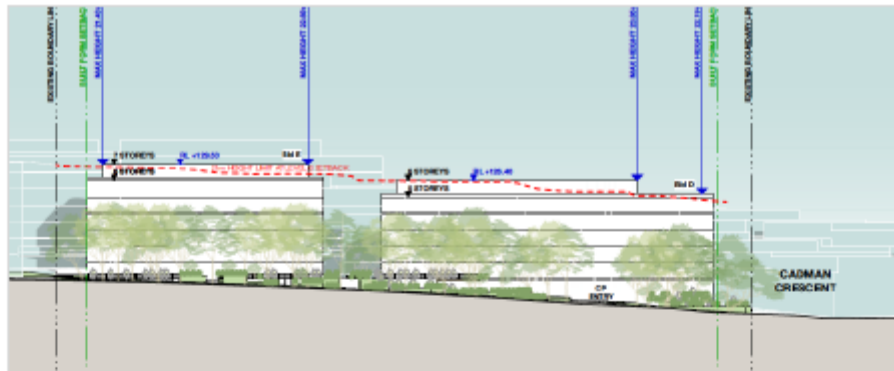


Figure 3: West Elevation, depicting Building E and D

Source: MHNDU

5 Objectives of the Standard

The objectives of the Clause 4.3 Height of Building are as follows:

(1) The objectives of this clause are as follows:

- (a) to ensure the height of buildings is compatible with that of adjoining development and the overall streetscape,
- (b) to minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas.

6 Objectives of the zone

The objectives of the R4 High Density Residential zone are as follows:

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage high density residential development in locations that are close to population centres and public transport routes.

7 Assessment

Clause 4.6(3)(a) - Is Compliance with the development standard unreasonable or unnecessary in the circumstances of the case

Compliance with the height standard is unreasonable and unnecessary given the following circumstances of this case:

- The built form responds to low density residential land to the south by stepping the heights of Building B and D. Building B provides a stepped form of 4, 5 6 and 7 storeys, while Building D provides a stepped form of 5 and 6 storeys respectively. This approach, in tandem with the heights proposed for Building C, produces an ideal built form outcome;

- The variation of 13.56% is considered acceptable within the bounds of the future built form, scale and character of the area. The variation is largely a result of minor building projections at various points across a topographically challenged site;
- Approximately 5.4% of the total floor area volume is located within the non-complaint area, which is minor with regards to the scale of built form proposed;
- The proposed heights are a natural response to the existing topography of the site, which provides a fall of approximately 12 metres (four storeys). The topography has informed the location of height across the entire site. If a maximum height was pursued on Building C and on the southern edges of Buildings B and D, it would produce a hard transition and unsympathetically respond to the character of the area;
- The proposal redistributes building height and bulk from Building C to the adjoining buildings to improve transition to low density land to the south. Building C sits under the maximum height limit, reducing the built form along Cadman Crescent (south). The residual building height that could be achieved on Building C has otherwise been relocated to the adjoining Buildings, which are located closer to the station and where greater development is anticipated to occur. The redistribution of the building envelope will not result in any unreasonable levels of amenity impacts to adjoining neighbours, having regard to the future quality and character of the area;
- Most building envelopes above the 21m height limit are recessed back 3m to establish an upper level setback that reduces a hard edge to the building;
- The Concept DA building envelope (2.1:1) will be well below the incentive bonus FSR provision of 2.3:1 and does not result in an over-development of the site. In particular, the proposal meets the landscape, communal and deep soil area requirements under the ADG and DCP;
- It is highlighted that the site is very unique in that it presents a near complete island site, allowing for a 'master planned' approach where bespoke planning controls can be utilised. In this regard, it is considered that the height variation would not create a precedent for the locality;
- Building C will comply with the maximum control and is considered to be the location where any breach of height would result in the greatest impact to adjoining neighbours;
- Notwithstanding the height variation the proposal is consistent with the objectives of the height standard and R4 High Density Zone as described below;
- The contravention of the height standard does not raise any matter of State or regional planning significance; and
- There is no public benefit in maintaining the standard in the circumstances of the case as explained below.

Clause 4.6(3)(b) - Are there sufficient environmental planning grounds to justify contravening the development standard?

As discussed above, Pain J held in *Four2Five vs Ashfield Council* [2015] NSWLEC 90 that to satisfy clause 4.6(3)(b), a Clause 4.6 variation must do more than demonstrate that the development meets the objectives of the development standard and the zone – it must also demonstrate that there are other

environmental planning grounds that justify contravening the development standard, preferably being grounds that are specific to the site.

Pain J also held that in order for a clause 4.6 variation to be accepted, seeking to justify the contravention is insufficient - the consent authority must be satisfied that clause 4.6(3)(a) and (b) have been properly addressed. On appeal, Leeming JA in *Four2Five vs Ashfield Council* [2015] NSWCA 248 acknowledged Pain J's approach, but did not necessarily endorse it, instead re-stating Pain J and saying:

"matters of consistency with objectives of development standards remain relevant, but not exclusively so."

Further recent findings by Preston in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 also found that:

"The requirement in cl 4.6(3)(b) is that there are sufficient environmental planning grounds to justify contravening the development standard, not that the development that contravenes the development standard have a better environmental planning outcome than a development that complies with the development standard." [88]

There are sufficient environmental planning grounds to justify contravening the development standard as the proposed development allows design improvements to the existing development in the following ways:

- The Concept DA produces an overall FSR of 2.1:1, which has been arrived at from a first principles approach, rather than setting a pre-determined FSR target;
- A key aspect of adopting a first principles approach is the preservation of moderate and high value trees along the property boundaries, which significantly improves the building transition and softened edge to adjoining development;
- The additional height to Buildings A, B, D and E is warranted in that it represents a balance between maintaining a sensitive interface with land to the south while distributing greater height to the north west closest to the proposed Metro Station, without having an unreasonable impact upon the public domain and amenity of the adjoining properties;
- The proposed building heights are considered to create a sound planning outcome given they result in an improved urban transition to land zoned for lower density residential uses (including the retention of significant trees around the site boundary that will soften the built form);
- The size of the site (12,403.8m²) allows for a more integrated 'master planned' approach, where bespoke planning controls and urban design principles can be utilised to achieve an optimal outcome for the site, whilst also respecting the amenity and interface of low density residential in the south;
- The proposal maintains key ADG setback requirements, as well as the provision of landscape, communal and deep soil zones in accordance with the DCP. The proposal does not produce an over-development of the site and ensures improved amenity can be achieved despite the transfer of additional height to Buildings A, B, D and E.
- The locality is currently undergoing a transition from large detached dwelling houses being replaced with townhouses, medium and density residential flat buildings and shop top housing developments. In recognition of this, the proposal provides building heights well under the maximum along the

southern boundary, while ensuring taller envelopes are appropriately placed closer to the station;

- The proposal is sufficiently setback from the adjoining neighbours in accordance with the ADG (setback/building separation) requirements envelopes; and
- Given the above, strict compliance with the height controls would hinder the attainment of the objects of the Act, and would not result in the orderly and economic use and development of land.

Clause 4.6(4)(a)(ii) - Is the proposed development in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out

In the court case *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90, Commissioner Pearson stipulates that the consent authority is to be satisfied the proposed development will be in the public interest because it is consistent with:

- a) *the objectives of the particular standard, and*
- b) *the objectives for development within the zone in which the development is proposed to be carried out.*

In *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7, the Chief Judge observed in his judgement at [39] that 4.6(4) of the Standard Instrument does not require the consent authority to be satisfied directly that compliance with each development standard is unreasonable or unnecessary in the circumstances of the case, but only indirectly be satisfied that the applicant's written request has adequately addressed those matters.

The objectives of the development standard and the zone are addressed below under the relevant headings.

a) the objectives of the particular standard

The particular development standard is Clause 4.3 Height of Buildings of HLEP 2012 and the relevant objectives are addressed below:

- a) *to ensure the height of buildings is compatible with that of adjoining development and the overall streetscape,*

The proposed development provides a height that is compatible with the overall streetscape. Upper level setbacks provided on the upper two storeys will reduce the bulk and scale of the built form, with a highly articulated street frontage, landscaping and mature trees softening the buildings impact to the streetscape.

Bespoke controls have been utilised on the site to produce a master plan and height that responds to the function and character of the streetscape and adjoining dwellings. In particular, the site's fall has resulted in a layered profile with opportunity for architectural variation and view sharing to compliment the natural landform.

The development is appropriate to the context in that it will be similar to scale of future surrounding development, particularly as height transitions away from the train station. This has been considered in the building envelope, with heights to the south being well-under the compliant height limit.

The area is undergoing a transition with low density residential dwellings being replaced with high density development. In that regard, the proposal will be compatible with adjoining development, consistent with the future character of the Showground Precinct.

The master plan is supported by an Urban Design Peer review, prepared by GMU, which contends the concentration of height to the north east is a better contextual response for the site.

b) To minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas

The master plan has been designed in consideration of adjoining properties amenity. The reduced building envelope to the south minimises overlooking onto dwellings on the opposite side of Hughes Avenue.

Upper level setbacks have been skillfully adopted on the upper two storeys of each building form to reduce overshadowing, visual impact and privacy around the site as a whole.

b) the objectives for development within the zone in which the development is proposed to be carried out.

The site falls within the R4 High Density Residential zone, and the relevant objectives are addressed below.

- *To provide for the housing needs of the community within a high density residential environment.*

The proposed development achieves this objective by providing a series of high density building envelopes across the site, ranging between four and seven storeys.

- *To provide a variety of housing types within a high density residential environment.*

The proposal provides for a generous housing mix and unit sizes to cater for the demands of the local area. It provides the mix required to facilitate the incentive floor space provisions and providing larger family size apartments.

- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*

The proposal provides for generous communal open space areas across the site, which will serve as important amenity for the residents. This includes a central courtyard and rooftop open space areas.

- *To encourage high density residential development in locations that are close to population centres and public transport routes.*

The proposal is located within Showground Station, which has recently been rezoned to provide a mix of densities within close proximity to Showground Station. The proposal achieves bespoke controls for the site, ensuring high quality residential development in a growing centre.

As discussed above the proposal is considered in the public interest as it is consistent with the objectives of the development standard and the R4 High Density Residential zone.

8 Any matters of significance for State or regional environmental planning

The contravention of the height standard does not raise any matter of State or regional planning significance.

9 Conclusion to variation to height standard

This written request is for an exception to the height standard under clause 4.6 of HLEP 2012. It justifies the contravention to the height standard in the terms required under clause 4.6 of the LEP and in particular demonstrates that the proposal provides a significantly better planning outcome with no significant adverse environmental impacts. Therefore, in the circumstances of the case:

- compliance with the height standard is unreasonable and unnecessary;
- there are sufficient environmental planning grounds for the contravention;
- it is in the public interest in being consistent with the objectives of the height standard and zone; and
- there are no matters of State or regional planning significance and no public benefits in maintaining the height standard in this case.

ATTACHMENT 20 – DESIGN REVIEW PANEL MINUTES



MEETING REPORT DESIGN REVIEW PANEL

Date:	27/11/19	Time:	1.15pm	Agenda Item:	4.2
Location of Meeting:	Community Rooms 1+2				
Panel Members:	Chairperson – Paul Berkemeier Panel Member - Tony Caro Panel Member - Steven Hammond				
Councillors:	None present				
Council Staff:	Cynthia Dugan, Marika Hahn				
Guests:	Adam Coburn, Mecone - Planner Elena Braunstein, GMU – Urban Designer Liam Hancock, MHNDU - Architect George Tisseverasinghe, Castle Hill Panorama PTY Ltd				

BUSINESS ITEM AND MEETING MINUTES

1. Welcome and Opening

The Hills Shire Council is committed to achieving design excellence in the built environment and ensuring new developments exhibit the highest standard of architectural, urban and landscape design.

The Hills Shire Design Review Panel (The Panel) is an Independent Advisory Panel, approved by the Government Architect, that provides an opportunity for applicants to receive expert design feedback on their developments and to provide comments to assist The Hills Shire Council in its consideration of development applications.

2. Declaration of interest

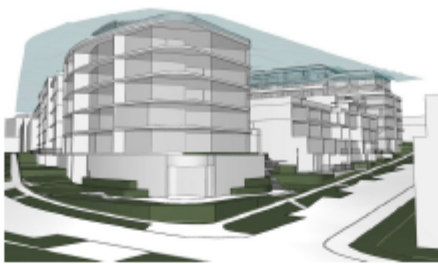
"Nil"

3. Confirmation of previous minutes

Confirmed by email.

4 Presentations

Item 4.2	1.15pm – 2.00pm
DA Number	DA 1262/2019/JP
Property Address	7-23 Cadman Cres and 20-24 Hughes Ave Castle Hill

Proposal	 <p>Residential flat development comprising five (5) residential blocks (228 dwelling units) over basement car parking.</p>
Applicant representative address to the design review panel	<p>Adam Coburn – Mecone Elena Braunstein - GMU Liam Hancock – MHNDU No registration number available for architect.</p>
Background	<p>This proposal was previously reviewed by the Panel on 02/05/19. The site was inspected by the panel on 27/11/19 between 9am-10am.</p>
Key Issues	<p>Summary of key issues discussed:</p> <ul style="list-style-type: none"> • Height non-compliance to be justified to DA officer. • Dwelling numbers and FSR proposed to be provided to council with compliance with cl 9.7 demonstrated. • Massing and articulation • Compliance with SEPP65 distance separation and ADG requirements. • Street setbacks.

SUBJECT SITE BACKGROUND SUMMARY

On 02/05/19 DA/688/2019/JP was presented to the Design Review Panel.

The revised proposal presented on the 27/11/19 was reviewed by two of the same Panel members who were present for the previous Panel meeting.



Location plan (THSC)

DOCUMENTATION – provided for 02/05/2019 Panel Meeting

The Design Review Panel reviewed the following drawings issued to Council by the applicant:

Architectural Design Report – stage 1DA, 20/02/19, by MHNDUNION
ADG compliance table, undated, issued to Panel 10/04/19, by Mecone,
DCP compliance table, undated, issued to Panel 10/04/19, by Mecone,
Landscape Drawings issued for Coordination, 19/02/19, by Turf Design Studio
Landscape Concept Plan Drawings, 19/02/19, by Turf Design Studio
Arborist Report, February 2019, by Earthscape Horticultural Services

DOCUMENTATION – provided for 27/11/19 Panel Meeting

CASTLEHILL SHOWGROUND PRECINCT CONCEPT MASTERPLAN REPORT, November 2019, prepared by
the consultant team; GMU, MHNDU, and Turf Design.

PANEL COMMENT

DA 1262/2019/JP 7-23 Cadman Cres and 18-24 Hughes Ave, Castle Hill

The Panel acknowledges that a number of items from the previous DRP report 02/05/19 recommendations have been addressed by the applicant. For clarity, the Panel's previous comments (*repeated below in grey italics*) have been used to structure the Panel comments made on 27/11/19. These new comments do not necessarily supersede previous advice and as such should be read in conjunction with the previous DRP report.

The Panel commenced at 1.15pm

1. Precinct planning, appreciation and response to context

- *The submitted documents do not convincingly demonstrate how the proposal integrates with other new or proposed development in the immediate surrounds of the site, or the wider urban and environmental context of the new Showground Precinct.*
- *The built form has been formulated as a direct response to the different density interfaces, proposing lower height to some R3 frontages that is compensated for by proposing higher, significantly non-compliant built form opposite the denser R4 surrounding sites.*

COMMENT:

The Panel notes that the height exceedance has been reduced and a more considered built form outcome has been presented. This has the potential to integrate better with the surrounding built form.

2. Site planning and built form strategy

- *The site has a significant north-south fall of approximately 10m.*
- *The scheme is based on a central courtyard built form typology that is proliferating in many new high-density locations around Sydney. The Panel notes that substantial breaks in the continuity of this typology are proposed for this scheme, which will foster natural light ingress and air movement to the courtyard and adjacent units, landscape infiltration into the central parts of the site, and convective cooling within the courtyard.*
- *The proposed courtyard retains a substantial area of deep soil at the centre of the development, with established trees. This approach is supported by the Panel.*
- *The triangular shape of the courtyard creates some residential amenity issues at its narrow northern end.*

COMMENT:

The Panel considers that the revised proposal has the potential to achieve good built form and landscape outcomes.

The Panel reiterated the need to provide space between buildings to improve solar access and encourage air movement throughout the site.

The Panel noted that the isolated lots at the western end of the block are able to be developed independently of the current proposal. The change in architectural expression by a different development team could provide architectural diversity in the streetscape.

Bulk, Scale and Massing

- *As noted the scheme proposes a significant departure from the key controls on the basis of creating improved scale interfaces to the adjacent R3 lower density precinct to the south-east of the site. Whilst acknowledging this is may be a rational urban design approach, the proposed non-compliance in height is significant, being between one and two storeys higher than the control for extensive parts of the built form.*

- *The Panel notes that the adjacent R3 zone also extends along Cadman Crescent to the north-east, however the proposal is reduced in scale along the south-eastern Cadman Crescent interface only. A height reduction along the north-eastern frontage would improve the scale interface, as well as improve solar access to the courtyard.*
- *The significant site fall may be a possible reason for some height non-compliance on a merits basis, however not to the extent of this proposal (refer Part 3 below).*
- *The photo-montages are too diagrammatic and do not provide sufficient detail for the Panel to comment on the architectural proposal and how it integrates into its future streetscape. It is noted on the documents that these images are "for information only, not for approval", which is not acceptable for a DA submission. The objectives for maximum façade lengths set out in the DCP should be further considered, and the built form detailed and articulated to satisfy this objective.*
- *The central court and its common areas will be largely in shade as a result of courtyard shape and the non-compliant built form proposal for the development.*

COMMENT:

The Panel noted that the internal communal open space receives more solar access as a result of the reduction in height of the built form to the north. Other opportunities to increase sunlight into the court area in winter and shade in summer should be considered.

The architectural expression remains very schematic. Comprehensive architectural and landscape documents, including renderings will be required for the Development Application.

Site Coverage/ Landscaped Open Space

COMMENT:

The site coverage complies with the DCP requirements.

The central communal open space is pivotal to the success of this proposal and must be protected from any reduction in size as the concept design moves into the next stage of development.

Consideration should be given to providing community facilities such as a children's play areas within the communal open space.

3. Compliance

Height

- *The Panel does not generally support LEP height non-compliance. On sloping sites or in other specific circumstances consideration is given to minor exceedance for roof access elements and shading devices serving roof top communal open space, provided that such elements are not seen from the surrounding public domain or impact on the amenity of adjacent development.*
- *In this submission the proposal significantly exceeds the LEP control of 21m by up to two storeys.*
- *Consequently the Panel recommends that height be reduced as the proposal is not considered to be successfully resolved with its likely future context, and would also create precedent for substantial height non-compliance on other sites in the Showground precinct.*

COMMENT:

As previously noted any justification for LEP height non-compliance must be provided to the DA officer. The Panel notes that the reduction in height of the dwelling blocks along the northern frontage of Cadman Crescent has improved the amenity of the central communal open space.

Height non-compliance has massing implications. The articulation of the built form should be carefully considered to break down the bulk and scale of the development blocks.

Density

- *Compliance with the LEP FSR controls is required. If the incentivised FSR provisions in LEP cl.9.7 are sought by the applicant, compliance must be confirmed to Councils satisfaction.*
- *It is noted that the incentivised FSR provision is maximum FSR 2.3:1 for this site, and that the applicant estimates the proposed FSR to be 2.1:1. This calculation should be verified by Council in its assessment of the proposal, together with the cl.9.7 unit type provision compliance.*

COMMENT:

The applicant advised that the density has been reduced to FSR1.9:1, and 228 residential dwellings are now proposed. It is noted that the minimum average GFA for a showground apartment utilising the incentive clause is 96sqm and the apartments proposed by the applicant exceed this.

The Panel recommends that the applicant examine the opportunities afforded by the larger apartment sizes to offer an alternative product to the market. Consider providing secondary living spaces or other special features that optimise use of the larger floor areas.

Setbacks

- *There was prolonged discussion at the meeting in relation to the applicants proposal to vary the street design section, which would require reconsideration of street dedication on the west side of Hughes Avenue and adjustments to the required setbacks of the subject site. The Panel notes that these amendments would likely create delays in Councils ability to provide an assessment of the proposal.*
- *The Panel considers that ADG minimum building and boundary separations and DCP setbacks should be complied with (including basements and balconies).*

COMMENT:

The applicant has proposed alternative primary and secondary building setbacks to those required in the DCP.

The Panel considers a minor reduction to the 7.5m street setback control on Cadman Crescent supportable subject to Council's approval, due to the lower adjacent heights and density, the irregular shape of the site, and the adverse impact on the internal communal open space should the setbacks be enforced.

The proposed reduced setback to Hughes Avenue requires further consideration as significant built form is proposed along this frontage to both sides of the street. It is also subject to more through traffic. The Panel encourages more substantial plantings in street setbacks and the provision of tall canopy trees to reinforce the current landscape character and identity of the Showground Precinct and the Garden Shire.

The Panel supports the proposed reduction in the fourth floor setback from 4m to 3m on the street frontage on all blocks. For this particular site the Panel considers the additional articulation this provides to the internal facades will improve the spatial quality and amenity of the communal open space.

Apartment Mix and Building Design

- *Generally street frontage apartments with ground floor levels and courtyards below footpath level are not supported. The applicant should ensure that this is achieved.*
- *For buildings of this height, the Panel recommends that lift access and distribution be reviewed to ensure that when a single lift is out of operation residents have access to an alternative lift.*

COMMENT:

The applicant confirmed that no street frontage apartments are below the footpath level.

The applicant is to provide confirmation that cl.9.7 has been achieved to Council planner's satisfaction.

The Panel recommends that the apartment internal layouts be more reflective of contemporary family needs rather than just enlarged versions of SEPP65 apartments.

Key considerations for added amenity include:

- The provision of a secondary living space to better accommodate a family unit.
- Economical planning of internal circulation.
- Provision for adequate space in utility /storage areas to provide adequate space for sorting of washing and storage of brooms and vacuum cleaners to improve amenity of apartments.

The Panel notes that Council needs assurance that ADG compliance will be achieved, in particular; adequate built form separation, visual privacy, acoustic amenity, cross ventilation and solar access.

4. Landscape Design

Public Domain

- *The public domain is compromised by the proposed significant reduction in setbacks to the street.*
- *The front private yards need to be evaluated with regards to level change to the natural ground level. Excessive height differences are likely to creating large walls in the setback area in some areas due to sloping natural topography. More detail is required about the proposed level changes in the frontages and how they are being addressed.*
- *The Panel recommends that a significantly higher quantum of large, high canopy peripheral trees be provided around the edges of the site, to meet the requirements of a high density residential environment in a strong, verdant landscape setting.*
- *Landscape architectural and engineering drawing sets are to be coordinated.*
- *The proposal is not consistent with The Hills garden landscape character setting due to the reduced setback impacting provision of substantial tree planting.*

COMMENT:

The Panel notes the revised setbacks are still not in compliance with the DCP requirements but are an improvement on the previous submission. Refer to previous comment regarding setbacks.

Detail design of the private landscapes and frontages will be required in the DA submission with regards to walling, grading, egress, and terrace areas. This is of particular importance where reduced setbacks are being proposed. The overall intent of setbacks to provide significant planting areas and tree planting to the street frontages is to be maintained.

Indented car parking is to comply with Council's standard indented car parking detail for the Showground Precinct.

Private Domain

- *The public domain and adjoining deep soil zones requires more substantive tree planting.*
- *The Panel acknowledges and strongly supports the proposed extensive genuine deep soil zone within the central courtyard.*
- *There was minimal discussion on the provision of communal facilities and the landscape design was not presented at the meeting. It was noted that landscape design is largely in concept form and supports the general approach to the internal communal courtyard as shown. Substantially more detail for DA submission is required, in particular with regards to the levels and grading and strategies for the retention of trees.*

COMMENT:

For a proposal of this size, high quality communal open space design is essential, in keeping with the place-making principles of generous and quality places outlined in the DCP.

The Panel supports the extent of deep soil planting and retention of existing trees in the central communal open space.

5. SEPP 65 items to be clarified or revised:

Apartment Design Guide

The Panel recommends that additional information be provided to demonstrate that the development is meeting the objectives and design criteria in relevant parts of the ADG. Specific items as noted:

- *The requirement for solar access to a portion of the principal communal open space at ground level needs to be clarified and demonstrated. The provision of additional rooftop communal space would provide some additional space that also has access to sun in winter.*
- *Adequacy of common facilities for this size development*
- *Solar access compliance to ADG definition to be confirmed to Councils satisfaction.*

COMMENT:

- As per previous Panel comment

6. Sustainability and Environmental amenity

- *Beyond satisfying ADG requirements, the Panel recommends that this proposal is reviewed by the applicant with a sustainability engineer and a report prepared that demonstrates how an appropriate suite of passive and active environmental strategies have been integrated into the design of the scheme.*

COMMENT:

The Panel notes that the deep soil provision is unencumbered by basement car parking, providing environmental and economic benefits over and above the majority of proposals in the precinct. The applicant is encouraged to further consider active and passive environmental strategies that can be incorporated into the built form as the design progresses.

7. Architecture and Aesthetics

- *As already noted the Panel does not consider that the urban, landscape and architectural design characteristics of the proposal have been sufficiently developed and documented for a DA submission. Building elevations, planting and materials selections, and key street view photo-montages should be provided as a minimum.*
- *All utility services elements in the public domain are to be suitably screened and integrated into the building fabric.*
- *The Panel requests a statement from the architects describing how their design proposal has considered and responds to the social, cultural and environmental conditions of regional north-western Sydney.*

COMMENT:

The Panel notes that the documentation provided does not describe architectural form and character. Comprehensive renderings are required, as well as properly detailed plans, elevations and sections.

The treatment of the setback upper levels (above the podium) is very important to the precinct's anticipated character. Lower podiums with more detail, richer materiality and articulation should be contrasted with lighter, glassier, visually recessive upper levels.

As discussed at meeting, consider lowering the podium to max 4 storeys along Cadman Crescent North, to account for the narrow street section and to allow space for canopies of mature street trees.

A diverse architectural approach should be considered for some of the built form, to break down the overall perception of the development's size and to introduce variety, fine grain and human scale into the precinct.

SUMMARY OF PANEL RECOMMENDATIONS

- *Provide a statement of the schemes design response to its precinct broader regional context.*
- *The Panel supports adjustment of building height to suit the interface with the lower scale of the adjoining zone, however it is recommended that the proposed building envelope be revised to be more compliant with the height controls (minor non GFA elements may be considered if designed as noted in report).*
- *Revise the building envelope as required to comply with building setbacks. (Addressed in revised scheme)*
- *Avoid subterranean units and sunken terraces.*
- *Improve solar access to the ground level courtyard area.*
- *Ensure common facilities and related spaces are appropriate to the size of the development.*
- *Provide a comprehensive landscape design that addresses deep soil provision, high canopy tree planting and substantial landscape understorey planting.*
- *Sign off from both the Council Landscape DA officer and relevant Manager of Vegetation works is required for the removal of any trees over 3m in height in the street and building setback areas.*
- *Street front utility service elements are to be integrated into building fabric and landscape to the satisfaction of Council.*
- *Vehicular access should be consolidated and wholly contained within a building footprint.*
- *Provide soft landscaping and tree plantings in courtyards that address street frontages.*
- *DA submission must include detailed drawings that demonstrate the proposed architectural and landscape character.*
- *Reconsider the location of the upper level setback along Cadman Crescent North.*
- *Review the dimension of the proposed setback on Hughes Avenue with Council officers.*

- Consider opportunities afforded by the larger apartment sizes to offer an alternative product to the market.

Note: further information may be required by the Development Assessment team to aid with their assessment of the development.

PANEL CONCLUSION

The Panel supports the proposal as a Concept Masterplan. This support is subject to retaining the upper level setbacks to each of the development block facades, providing fine grain and architectural diversity, not reducing the dimensions of the central communal open space and keeping the extensive deep soil planting and existing trees, and design of effective and 'green' street frontages.

If the DA officer is satisfied that the applicant has addressed the Panel's concerns and recommendations, the project need not return to the Panel for further consideration.

MEETING REPORT DESIGN REVIEW PANEL

Date:	02/05/19	Time:	12.30pm	Agenda Item:	4.2
Location of Meeting:	Community Rooms 1+2				
Panel Members:	Chairperson - Tony Caro Panel Member - Peter Hill Panel Member - Steven Hammond				
Councillors:	None present				
Council Staff:	Paul Osborne, Cynthia Dugan, Marika Hahn				
Guests:	Adam Coburn – Mecone - Planner Elena Braunstein – GMU – Urban Designer Matt Coggon – Turf – Landscape Architect Liam Hancock - MHNDU George Tisseverasinghe – Castle Hill Panorama PTY Ltd				

BUSINESS ITEM AND MEETING MINUTES

1. Welcome and Opening

The Hills Shire Council is committed to achieving design excellence in the built environment and ensuring new developments exhibit the highest standard of architectural, urban and landscape design.

The Hills Shire Design Review Panel (The Panel), is an Independent Advisory Panel approved by the Government Architect that provides an opportunity for applicants to receive expert design feedback on their developments and to provide comments to assist The Hills Shire Council in its consideration for development application.


2. Declaration of interest

"Nil"

3. Confirmation of previous minutes

Confirmed by email.

4. Presentations

Item 4.2	12.30am – 2.00pm
DA Number	DA 1262/2019/JP
Property Address	7-23 Cadman Cres and 20-24 Hughes, Ave Castle Hill
Proposal	 Residential flat development comprising five (5) residential blocks and 255 dwelling units over basement car parking.
Applicant representative address to the design review panel	Elena Braunstein - GMU Liam Hancock – MHNDU No registration number available for either speaker.
Background	The site was inspected by the panel on 02/05/19 between 9am-10am
Key Issues	Summary of key issues: <ul style="list-style-type: none">• Significant height non-compliance• Inadequate design documentation of built form for a DA submission.• Provision of Registered Architect details

INTRODUCTION

The Panel thanks the applicant for the presentation of the Concept Development application. The proposal is located in the Showground Planned Station Precinct in Castle Hill, a low-density area about to undergo significant urban transformation to a higher density residential built form environment.

The Panel acknowledges that the Showground Precinct has been subject to a lengthy master plan process, which has resulted in the key development controls for height, density and setbacks. The Panel notes, and advised the applicant at the meeting, that it considers the maximum allowable FSR on this or any site in the precinct is only achievable on the proviso that the objectives of other key controls that apply to the development are achieved. In particular, the need to retain existing landscape and augment with new plantings to maintain the landscape character of the LGA is of concern to the Panel, for reasons including visual amenity, heat mitigation, substantial provision of shade within the public domain, carbon sequester and the need to maintain flora diversity and fauna habitat.

The Panel also considers that due to the constraints of the existing road and sub-division pattern, relatively narrow street corridors and prescribed minimum DCP setbacks, all new developments must provide for substantial deep soil planting to a minimum of 15% of site area as referred to in the ADG.

SUBJECT SITE BACKGROUND SUMMARY

The subject site is located in the Showground Planned Precinct. The character of the area is that of a low-density garden suburb developed during the 1960's-1980's with a variety of large mature trees of both introduced species and those reflective of the original endemic vegetation. The precinct is located to the south west of Showground Road, a ridgeline arterial road, and the undulating topography falls away from Showground Road towards Cattai Creek.

The triangular site is bounded by Hughes Avenue (west) and Cadman Crescent (north and east) with residual residential to the north-west. It occupies most of the street block, and ideally the site to the north should be amalgamated.

The site is an approximate ten minute walk to the new Showground Metro station and zoned R4 high density residential with a maximum 21m and or (6) six storey height. To the south and west of Cadman Crescent the zoning changes to R3 medium density residential with a maximum 10m height.



Location plan (THSC)

DOCUMENTATION

The Design Excellence Panel reviewed the following drawings issued to Council by the applicant:

Architectural Design Report – stage 1DA, 20/02/19, by MHNDUNION
ADG compliance table, undated, issued to Panel 10/04/19, by Mecone,
DCP compliance table, undated, issued to Panel 10/04/19, by Mecone,
Landscape Drawings issued for Coordination, 19/02/19, by Turf Design Studio
Landscape Concept Plan Drawings, 19/02/19, by Turf Design Studio
Arborist Report, February 2019, by Earthscape Horticultural Services
Statement of Environmental Effects, 06/02/18, issued to Panel 10/04/19, by Mecone,
Urban Design Peer Review, 17/01/19, By GMU
Survey, 27/04/18, by Survplan

PANEL COMMENT

DA 1262/2019/Jp 7-23 Cadman Cres and 18-24 Hughes Ave, Castle Hill

The Panel commenced at 12.30am

1. Precinct planning, appreciation and response to context

- The submitted documents do not convincingly demonstrate how the proposal integrates with other new or proposed development in the immediate surrounds of the site, or the wider urban and environmental context of the new Showground Precinct.
- The built form has been formulated as a direct response to the different density interfaces, proposing lower height to some R3 frontages that is compensated for by proposing higher, significantly non-compliant built form opposite the denser R4 surrounding sites.

2. Site planning and built form strategy

- The site has a significant north-south fall of approximately 10m.
- The scheme is based on a central courtyard built form typology that is proliferating in many new high-density locations around Sydney. The Panel notes that substantial breaks in the continuity of this typology are proposed for this scheme, which will foster natural light ingress and air movement to the courtyard and adjacent units, landscape infiltration into the central parts of the site, and convective cooling within the courtyard.
- The proposed courtyard retains a substantial area of deep soil at the centre of the development, with established trees. This approach is supported by the Panel.
- The triangular shape of the courtyard creates some residential amenity issues at its narrow northern end.

Bulk, Scale and Massing

- As noted the scheme proposes a significant departure from the key controls on the basis of creating improved scale interfaces to the adjacent R3 lower density precinct to the south-east of the site. Whilst acknowledging this is may be a rational urban design approach, the proposed non-compliance in height is significant, being between one and two storeys higher than the control for extensive parts of the built form.
- The Panel notes that the adjacent R3 zone also extends along Cadman Crescent to the north-east, however the proposal is reduced in scale along the south-eastern Cadman Crescent interface only. A height reduction along the north-eastern frontage would improve the scale interface, as well as improve solar access to the courtyard.
- The significant site fall may be a possible reason for some height non-compliance on a merits basis, however not to the extent of this proposal (refer Part 3 below).
- The photo-montages are too diagrammatic and do not provide sufficient detail for the Panel to comment on the architectural proposal and how it integrates into its future streetscape. It is noted on the documents that these images are "for information only, not for approval", which is not acceptable for a DA submission. The objectives for maximum façade lengths set out in the DCP should be further considered, and the built form detailed and articulated to satisfy this objective.
- The central court and its common areas will be largely in shade as a result of courtyard shape and the non-compliant built form proposal for the development.

3. Compliance

Height

- The Panel does not generally support LEP height non-compliance. On sloping sites or in other specific circumstances consideration is given to minor exceedance for roof access elements and shading devices serving roof top communal open space, provided that such elements are not seen from the surrounding public domain or impact on the amenity of adjacent development.
- In this submission the proposal significantly exceeds the LEP control of 21m by up to two storeys.
- Consequently the Panel recommends that height be reduced as the proposal is not considered to be successfully resolved with its likely future context, and would also create precedent for substantial height non-compliance on other sites in the Showground precinct.

Density, and Apartment Mix and Building program

- Compliance with the LEP FSR controls is required. If the incentivised FSR provisions in LEP cl.9.7 are sought by the applicant, compliance must be confirmed to Councils satisfaction.
- It is noted that the incentivised FSR provision is maximum FSR 2.3:1 for this site, and that the applicant estimates the proposed FSR to be 2.1:1. This calculation should be verified by Council in its assessment of the proposal, together with the cl.9.7 unit type provision compliance.

Setbacks

- There was prolonged discussion at the meeting in relation to the applicants proposal to vary the street design section, which would require reconsideration of street dedication on the west side of Hughes Avenue and adjustments to the required setbacks of the subject site. The Panel notes that these amendments would likely create delays in Councils ability to provide an assessment of the proposal.
- The Panel considers that ADG minimum building and boundary separations and DCP setbacks should be complied with (including basements and balconies).

Apartment Mix and Building Design

- Generally street frontage apartments with ground floor levels and courtyards below footpath level are not supported. The applicant should ensure that this is achieved.
- For buildings of this height, the Panel recommends that lift access and distribution be reviewed to ensure that when a single lift is out of operation residents have access to an alternative lift.

4. Landscape Design

Public Domain

- The public domain is compromised by the proposed significant reduction in setbacks to the street.
- The front private yards need to be evaluated with regards to level change to the natural ground level. Excessive height differences are likely to creating large walls in the setback area in some areas due to sloping natural topography. More detail is required about the proposed level changes in the frontages and how they are being addressed.
- The Panel recommends that a significantly higher quantum of large, high canopy peripheral trees be provided around the edges of the site, to meet the requirements of a high density residential environment in a strong, verdant landscape setting.
- Landscape architectural and engineering drawing sets are to be coordinated.
- The proposal is not consistent with The Hills garden landscape character setting due to the reduced setback impacting provision of substantial tree planting.

Private Domain

- The public domain and adjoining deep soil zones requires more substantive tree planting.
- The Panel acknowledges and strongly supports the proposed extensive genuine deep soil zone within the central courtyard.
- There was minimal discussion on the provision of communal facilities and the landscape design was not presented at the meeting. It was noted that landscape design is largely in concept form and supports the general approach to the internal communal courtyard as shown. Substantially more detail for DA submission is required, in particular with regards to the levels and grading and strategies for the retention of trees.

5. SEPP 65 items to be clarified or revised:

Apartment Design Guide

The Panel recommends that additional information be provided to demonstrate that the development is meeting the objectives and design criteria in relevant parts of the ADG. Specific items as noted:

- The requirement for solar access to a portion of the principal communal open space at ground level needs to be clarified and demonstrated. The provision of additional rooftop communal space would provide some additional space that also has access to sun in winter.
- Adequacy of common facilities for this size development
- Solar access compliance to ADG definition to be confirmed to Councils satisfaction.

6. Sustainability and Environmental amenity

- Beyond satisfying ADG requirements, the Panel recommends that this proposal is reviewed by the applicant with a sustainability engineer and a report prepared that demonstrates how an appropriate suite of passive and active environmental strategies have been integrated into the design of the scheme.

7. Architecture and Aesthetics

- As already noted the Panel does not consider that the urban, landscape and architectural design characteristics of the proposal have been sufficiently developed and documented for a DA submission. Building elevations, planting and materials selections, and key street view photo-montages should be provided as a minimum.
- All utility services elements in the public domain are to be suitably screened and integrated into the building fabric.
- The Panel requests a statement from the architects describing how their design proposal has considered and responds to the social, cultural and environmental conditions of regional north-western Sydney.

SUMMARY OF PANEL RECOMMENDATIONS

- Provide a statement of the schemes design response to its precinct broader regional context.
- The Panel supports adjustment of building height to suit the interface with the lower scale of the adjoining zone, however it is recommended that the proposed building envelope be revised to be more compliant with the height controls (minor non GFA elements may be considered if designed as noted in report).
- Revise the building envelope as required to comply with building setbacks.
- Avoid subterranean units and sunken terraces.
- Improve solar access to the ground level courtyard area.
- Ensure common facilities and related spaces are appropriate to the size of the development.
- Provide a comprehensive landscape design that addresses deep soil provision, high canopy tree planting and substantial landscape understorey planting.
- Sign off from both the Council Landscape DA officer and relevant Manager of Vegetation works is required for the removal of any trees over 3m in height in the street and building setback areas.
- Street front utility service elements are to be integrated into building fabric and landscape to the satisfaction of Council.
- Vehicular access should be consolidated and wholly contained within a building footprint.

Note: further information may be required by the Development Assessment team to aid with their assessment of the development.

PANEL CONCLUSION

The Panel does not support the proposal in its current form as the proposal does not meet the requirements of design excellence. It is recommended that the applicant address the issues identified in this report and present a revised application to the Panel.

ATTACHMENT 21 – NSW POLICE REFERRAL COMMENTS



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to date information on local crime trends



NSW Police Force
www.police.nsw.gov.au

28th February 2019

Cynthia DUGAN
Town Planning Co-ordinator
The Hills Shire Council
P.O. Box 7064
Baulkham Hills BC, NSW, 2153



Dear Cynthia DUGAN,

Subject: Concept Development Application for Five Residential Buildings comprising 255 Apartments, 2 Levels of Basement Car Parking and Landscaping. The determining authority for this application is the NSW Government's Sydney Central City Planning Plan.

Property: Lot 502 DP 258587, Lot 327 DP 252593, Lot 328 DP 252593, Lot 329 DP 252593, Lot 330 DP 252593, Lot 331 DP 252593, Lot 332 DP 252593, Lot 333 DP 252593, Lot 334 DP 252593, Lot 504 DP 258587, Lot 337 DP 252593, Lot 3361 DP 865725, Lot 3362 DP 865725, Lot 335 DP 252593, 7 to 23 Cadman Cr. And 18 to 24 Hughes Av. Castle Hill.

Application No: 1262/2019/JP

Police Ref: D/2019/190696

We refer to your concept development application which is Construction of Five Residential Buildings comprising 255 apartments, 2 Levels of Basement Car Parking and Landscaping.

Police do not have any major concerns in relation to this development application however a few security measures need to be in place.

NSW Police Force
RECRUITING NOW
1800 222 122
www.police.nsw.gov.au/recruitment

The Hills Local Area Command
Corner of Castle & Pennant Street CASTLE HILL NSW 2154
T 02 9680 5399 F 02 9680 5337 W www.police.nsw.gov.au
TTY 02 9211 3776 for the hearing and speech impaired ABN 40 426 613 180

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Site



Surveillance

The attractiveness of crime targets can be reduced by providing opportunities for effective surveillance, both natural and technical. Good surveillance means that people can see what others are doing. People feel safe in public areas when they can easily see and interact with others. Would-be offenders are often deterred from committing crime in areas with high levels of surveillance.

Vegetation

The safety objective of "to see and be seen" is important in landscaped areas. Vegetation is commonly used by criminals to aid concealment and entrapment opportunities. As this development proposes to have significant vegetation throughout the site, it must be emphasised that the vegetation, especially the shrubs and shade trees, be kept trimmed at all times. Lower tree limbs should be above average head height and shrubs should not provide easy concealment.

Vegetation closest to pedestrian pathways requires close attention. It is recommended that 3-5 metres of cleared space be located either side of residential pathways and bicycle routes. Thereafter, vegetation can be stepped back in height to maximise sightlines.

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Lighting and Technical Supervision

It is important the communal areas are well supervised, by allowing natural surveillance of these sites. Building alignment and pedestrian routes allow for this however poorly supervised and sporadically used pedestrian routes often feature in serious crime. It is important that landscaping does not impinge on site lines and that these paths are well lit.

Lighting should meet minimum Australian standards. Effective lighting can reduce fear, increase community activity, improve visibility and increase the likelihood that offenders will be detected and apprehended. Special attention should be made to lighting the entry and exit points from the buildings, car park and access/exit driveways.

The access/exit driveways need to be adequately lit to improve visibility and increase the likelihood that offenders will be detected and apprehended. At the same time throughout the site transition lighting is needed to reduce vision impairment, i.e. reducing a person walking from dark to light places.

CCTV

Police suggest the use of a CCTV system to monitor the common open spaces throughout the development, especially if no access control to the area is provided. Police would also suggest the use of CCTV to monitor access/exit driveway of the lower basement car park, entrances to the flats and the community facilities within the site such as in the lifts, in the stairwells, covering the disabled parking and the motorcycle/bike parking.

Based on information received from the Australian Federal Police, CCTV footage is effective in criminal matters when the images display shots of an alleged offender from the shoulder upwards. CCTV cameras need to be able to zoom in on a person of interest without loss of focus and/or quality. The owner should train all relevant staff of how to use the CCTV cameras.

Territorial Reinforcement

With few exceptions, criminals do not want to be detected, challenged or apprehended. For offenders, the capability of a guardian to detect, challenge or apprehend is an important consideration. The strategic location of supervisors and employees increases the risk to offenders and crime effort. It is argued that employees are more effective as guardians (crime deterrents) than passing members of the community.

Territorial reinforcement can be achieved through:

- *Design that encourages people to gather in public space and to feel some responsibility for its use and condition.*
- *Design with clear transitions and boundaries between public and private space.*
- *Clear design cues on who is to use space and what it is to be used for.*

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Confusion resulting from ambiguous entry design can legitimise exploration, trespassing and excuse making by opportunistic criminals. It is recommended that all public access points are well marked and inviting.

Environmental Maintenance

Clean, well-maintained areas often exhibit strong territorial cues. Rundown areas negatively impact upon perceptions of fear and may affect community confidence to use public space and ultimately, it may affect crime opportunity. Vandalism can induce fear and avoidance behaviour in a public space, therefore the rapid repair of vandalism and graffiti, the replacement of car park lighting and general site cleanliness is important to create a feeling of ownership. Ownership increases the likelihood that people will report or attempt to prevent crime.

Many graffiti vandals favour porous building surfaces, as 'tags' are difficult to remove. Often a ghost image will remain even after cleaning. Easily damaged building materials may be less expensive to purchase initially, but their susceptibility to vandalism can make them a costly proposition in the long term, particularly in at-risk areas. This should be considered when selecting materials for construction.

Access Control

Physical and symbolic barriers can be used to attract, channel or restrict the movement of people. They minimise opportunities for crime and increase the effort required to commit crime. By making it clear where people are permitted to go or not go, it becomes difficult for potential offenders to reach and victimise people and their property.

Illegible boundary markers and confusing spatial definition make it easy for criminals to make excuses for being in restricted areas. All areas of the development not open to the public need to have clear indications of this. Any areas that are restricted should have a sign present so that criminals have no excuse to being in an area they are not suppose to.

Security / Entry Control System

One of the major issues that have been brought to Police attention in this Local Government Area is the prevalence of offenders breaching the security access to the unit block, particularly the car park areas, and breaking into the units' garages and storage areas. Offenders often gain access to commit these offences despite the presence of a security shutter restricting unauthorised access at the entrance to the car park area. Offenders will stick a length of wire through the security roller door. The length of wire has a hook on the end and they are able to manipulate the manual door release to gain entry. Ensuring the section of the security roller shutter near the manual door release is solid, improved strength to garage doors and better quality locking mechanism would reduce the incidence of this type of crime.

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Natural Ladders

Natural ladders are design features, trees or nearby structures that help criminals to climb on to balconies, rooftops, ledges and windows. Current design trends in multi-story apartment blocks are making it easy for "Spiderman" type burglars to target residences.

Police recommend that the development avoid creating outer ledges capable of supporting hands/feet and balustrades should not provide anchor points for ropes. Also, for any fencing proposed for the development Police would recommend palings are placed vertically to stop unauthorised access by persons using horizontally placed palings as a ladder to access ground floor units. If spacing is left between each paling, it should be at a width that limits physical access.

Other Matters

Ground level units need to have upgraded security measures put in place such as doors and window being alarmed, thickened glass and sensor lights etc. Balconies should also have upgraded security such as sliding doors being alarmed.

To prevent children falling from windows, all strata buildings in NSW must be fitted with devices that enable their windows to be locked at 12.5cm when the devices are engaged. Owner's corporations must have devices installed on all common property windows above the ground. The safety devices must be robust and childproof. Residents will still be able to open their windows. However, they will have the security of knowing that when the locks are engaged, children will be protected. (Please see attached fact sheet)

Unfortunately, offenders target this type of development, both in its construction phase and when the building/s are occupied. Police would support the use of security sensor lights and a security company to monitor the site while construction is in progress. When the building is under construction, Police require signage that outlines an after-hour's number as well as other contact details if the location has been broken into



etc.

Letter boxes are a big target for criminals to steal mail and even people's identity. High quality letterboxes that meet the Australian standards - ISO9001:2008 shall be installed. A mail box that doesn't allow mail to stick out from aperture slot after delivery would be suggested. It is also required that the mail boxes should

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only be able to be accessed via within the unit complex by residents. This will prevent criminals from getting into the premises as a key/fob would need to be used. This allows natural and technical surveillance. The letterboxes shall be under CCTV surveillance to help deter letterbox mail theft. This is a major current crime trend where victim's identity is being stolen such as personal details, credit cards, bills etc which is then being stored, sold and used in fraudulent activity.

Police attend many units / apartments which contain caged storage units. Police suggest if caged storage units and caged garages are used, have the cage built up to the ceiling within the car park so offenders cannot climb over the caged areas. A caged storage area should have a door that is reinforced instead of a cage with just a lock. A plate is suggested to stop offenders who may get into the garaged areas of the units from using a jemmy to get in. It is also suggested that an extra lock such as a dead lock or a latch lock be installed also.



Police also recommend placing signs around the car park warning residents to watch those who come in the entry/exit door behind them. Residents are encouraged to wait until the door is fully closed behind them before continuing into the underground car park. This will help prevent potential offenders from gaining entry via the open door.

Park smarter signage can help educate people to not leave valuable items in their cars and to ensure they secure their vehicles. Police recommend installing these signs around the car park. If there are any questions in relation to this report, please contact me at Castle Hill Police Station on 9680 5399.

Respectfully yours,

Senior Constable Ethan WEST
Crime Prevention Officer
Castle Hill Police

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